(19)

Supreme Court, U.S.
FILED
MAY 22 2000
CLERK

No. 99-901

IN THE

Supreme Court of the United States

BRENTWOOD ACADEMY,
Petitioner,

v.

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED NOVEMBER 22, 1999
CERTIORARI GRANTED FEBRUARY 22, 2000

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B. Order and Memorandum of the U.S. District Court (M.D. Tenn.) (July 2, 1998) 1-B

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RELEVANT DOCKET ENTRIES

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

No: 3-97-1249

Date	No.	Proceedings
12/12/97	1	COMPLAINT w/att'd exhibits A-G. Filing fee paid in the amount of: $150, receipt #61078 [Entry date 12/15/97]
1/7/98	8	ANSWER by defts to [1-1] (dm) [Entry date 1/8/98]
6/1/98	24	COMBINED STIPULATIONS, submitted by parties w/attached exhibits A-E (tlc)
6/1/98	25	MOTION by pltf Brentwood Academy for leave to file an Amended Cmp (w/exhibit) (dm) [Entry date 6/2/98]
6/1/98	27	MOTION by pltf Brentwood Academy for partial summary judgment, for permanent injunction (dm) [Entry date 6/2/98]
6/1/98	28	MEMORANDUM OF LAW by pltf in support of motion for partial summary judgment [27-1], of motion for permanent injunction [27-2] (dm) [Entry date 6/2/98]
6/1/98	29	APPENDIX (1 thru 15) filed by pltf re [28-1] (dm) [Entry date 6/2/98]

Date	No.	Proceedings
6/1/98	30	AFFDAVIT of Carlton Flatt re [27-1], re [27-2] (dm) [Entry date 6/2/98]
6/1/98	31	STATEMENT of facts by pltf Brentwood Academy in support of [27-1], in support of [27-2] (w/attachments A thru Q) (dm) [Entry date 6/2/98]
6/10/98	33	AMENDED MEMORANDUM OF LAW by pltf in support of motion for partial summary judgment [27-1] (ts) [Entry date 6/11/98]
6/26/98	39	ORDER by Judge Todd J. Campbell denying motion to strike [6-1]; denying mtn for leave to file an Amended Cmp [25-1] (EOD 6/26/98) (cc: all counsel) (ts)
6/30/98	45	RESPONSE by defts' TN Secondary School, & Ronnie Carter to motion for partial summary judgment [27-1] (jb) [Entry date 7/1/98]
6/30/98	46	RESPONSE by defts' TN Secondary School, & Ronnie Carter to Statement of Undisputed Material Facts [31-1] (jb) [Entry date 7/1/98]
6/30/98	47	MOTION by defts' TN Secondary School, & Ronnie Carter for summary judgment (jb) [Entry date 7/1/98]

Date	No.	Proceedings
6/30/98	48	MEMORANDUM by defts' TN Secondary School, & Ronnie Carter in support of motion for summary judgment [47-1] (w/ attachment) (jb) [Entry date 7/1/98]
6/30/98	49	STATEMENT of undisputed facts by defts' TN Secondary School & Ronnie Carter in support of [47-1] (jb) [Entry date 7/1/98]
7/15/98	68	REPLY by pltf in support of partial summary judgment [27-1] w/response to deft's mtn for summary jgm (attachments A-C) (ts)
7/15/98	68	RESPONSE by pltf to deft's mtn for summary jgm [47-1] (ts)
7/15/98	69	APPENDIX (1-16) filed by pltf to reply in support of partial summary jgm [68-1] (ts)
7/15/98	70	RESPONSE by pltf to defts' statement of undisputed facts [441-1] [49-1] (attachments A-D) (ts)
7/15/97	79	MEMORANDUM by pltf Brentwood Academy in opposition to motion for summary judgment [47-1] (tlc)

Date	No.	Proceedings
7/15/98	81	APPENDIX filed by pltf Brentwood Academy re memorandum in opposition to defts' TSSAA & Carter's motion for summary judgment on the state claims [79-1] (w/attached exhs. 1-12) (jb) [Entry date 7/16/98]
7/22/98	89	MEMORANDUM by pltf Brentwood Academy regarding deft Carter's participation in TSSAA Board of Control Hearing of 8/23/97 (jb)
7/22/98	90	MOTION by pltf Brentwood Academy for leave to file amended complaint and memorandum in support thereof (w/attached proposed order) (jb)
7/24/98	97	RESPONSE by defts to pltf's motion for leave to file amended complaint and memorandum in support thereof [90-1]; w/attachments (tlc)
7/24/98	98	RESPONSE by defts to pltf's memorandum re deft Carter's participation in 8/23/97 TSSAA Board of Control Hearing [89-1] (tlc)
7/29/98	104	MEMORANDUM OF THE COURT (cc: all counsel) (EOD 7/29/98) (tlc)

Date	No.	Proceedings
7/29/98	105	ORDER by Judge Todd J. Campbell; court heard oral argument on the following pending motions on 7/16/98; granting in part and denying in part defts' motion for summary judgment [47-1]; granted as to pltf's equitable estoppel claim and that claim is dismissed; granting in part and denying part pltf Brentwood Academy's motion for partial summary judgment and for permanent injunction; granted as to claim that TSSAA's Recruiting Rule violates the 1st Amendment on its face and as applied to Brentwood Academy; defts are hereby enjoined from any use of the Recruiting Rule; all sanctions imposed by the TSSAA to Brentwood Academy, DE #1, Ex. G, are void and unenforceable; the disposition of other issues presented by the pending motions is discussed in the memorandum (cc: all counsel) (EOD 7/29/98) (tlc)
7/30/98	106	NOTICE OF APPEAL by deft TN Secondary School, Ronnie Carter from Dist. Court decision [105-1] (mg) [Entry date 8/3/98]

Date	No.	Proceedings
6/23/99	118	INFORMATION COPY from 6th CCA: We REVERSE the district court's grant of sumjgm in favor of Brentwood, VACATE the injunction, and REMAND the case for further proceedings consistent with this opinion. (mg) [Entry date 6/24/99]
6/23/99	119	JUDGMENT 6CCA: District court jgm is REVERSED, injunction is VACATED, and the case is REMANDED to the district court. (mg) [Entry date 6/24/99]
9/13/99	121	ORDER from 6th CCA denying petition for rehearing. (mg) [Entry date 9/14/99]
9/13/99	122	MANDATE from 6th CCA vacating, reversing and remanding the matter back to District Court [Appeal [118-1] pursuant to the court's info order filed 6/21/99.] (mg) [Entry date 9/14/99]
12/15/99	124	NOTICE by U.S. Supreme Court of filing of petition for writ of cert on 11/29/99. (mg)
2/28/00	125	ORDER by U.S. Supreme Court: Mtn of Memphis Univ. School, et al for leave to file brief as amicus curiae is granted; mtn of petitioner for summary reversal is denied. The petition for writ of cert is granted. (mg) [Entry date 3/2/00]

RELEVANT DOCKET ENTRIES

COURT OF APPEALS DOCKET NO. 98-6113
FILED: 8/21/98

Date	Proceedings
8/21/98	Civil Case Docketed. Notice filed by Appellant TN Secondary School, Appellant Ronnie Carter. Transcript needed: y (yh)
8/21/98	Appellant MOTION filed to expedite appeal. Motion filed by Richard L. Colbert and Charles Hampton White for Appellant Ronnie Carter, Appellant TN Secondary School. Certificate of service date 8/7/98 [98-6113] (yh)
8/25/98	BRIEFING LETTER SENT setting briefing schedule: appellant brief due 9/17/98; appellee brief due 10/13/98; reply brief due 10/27/98; appendix due 11/2/98; final briefs due 11/16/98. . (yh)
9/21/98	PROOF BRIEF filed by Richard L. Colbert for Appellants Ronnie Carter, TN Secondary School. Certificate of service date 9/17/98. Number of Pages: 53. [98-6113] (teb)
9/21/98	Request to require oral argument filed by Richard L. Colbert for Appellants Ronnie Carter, TN Secondary School [98-6113] (teb)

Date	Proceedings
9/30/98	MOTION filed to allow National Federation of State High School Associations to become an amicus curiae. Motion filed by John J. Kitchin for Natl Fedn St High. Certificate of service date 9/24/98. [98-6113] (yh)
9/30/98	AMICUS BRIEF TENDERED. Received from John J. Kitchin for Natl Fedn St High [98-6113]. Certificate of service date 9/24/98 (yh)
10/15/98	PROOF BRIEF filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel for Appellee Brentwood Academy. Certificate of service date 10/13/98. Number of Pages: 119. [98-6113] (teb)
10/15/98	Request to require oral argument filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel for Appellee Brentwood Academy [98-6113] (teb)
11/2/98	Corrected appellee proof brief filed by William Scott Sims, James F. Blumstein, G. Thomas Nebel. Copies: 1 Certificate of Service date 10/29/98 [98-6113] (teb)

Date	Proceedings
11/13/98	AMICUS BRIEF TENDERED. Received from Steven L. Craig for OH High School Ath, Edmund J. Sikorski for MI High School [98-6113]. Certificate of Service date 11/12/98 Corrections to be made; (yh)
11/16/98	PROOF REPLY BRIEF filed by Richard L. Colbert and Charles Hampton White for Appellants Ronnie Carter, TN Secondary School. Certificate of service date 11/12/98 [98-6113] (teb)
11/17/98	MOTION filed to allow KY High School Athletic Assoc to become an amicus curiae. Motion filed by Danny C. Reeves for KY High School. Certificate of service date 11/16/98/. [98-6113]. (yh)
11/17/98	MOTION filed to allow MO State High School Assoc to become an amicus curiae. Motion filed by Mallory V. Mayse for MO High School. Certificate of service date 11/16/98. [98-6113] (yh)
11/18/98	AMICUS BRIEF TENDERED. Received from Danny C. Reeves for KY High School [98-6113]. Certificate of service date 11/16/98 Corrections to be made; (yh)

Date	Proceedings
11/18/98	AMICUS BRIEF TENDERED. Received from Mallory V. Mayse for MO High School [98-6113]. Certificate of service date 11/16/98 Corrections to be made; (yh)
11/23/98	APPENDIX filed by Charles Hampton White for Appellants Ronnie Carter, TN Secondary School. Copies: 5 (8 Volumes). Certificate of Service date 11/19/98 [98-6113] (ds)
11/27/98	Appellee RESPONSE opposition filed regarding a motion to allow amicus curiae to appear filed by Danny C. Reeves, Mallory V. Mayse, and John J. Kitchin. Response from H. Lee Barfield for Appellee Brentwood Academy, G. Thomas Nebel for Appellee Brentwood Academy. Certificate of service date 11/24/98 [98-6113] (yh)
12/3/98	Appellant REPLY in response to the opposition to motion to file amicus briefs. Response from Richard L. Colbert for Appellant Ronnie Carter, Appellant TN Secondary School, Charles Hampton White for Appellant Ronnie Carter, Appellant TN Secondary School. Certificate of service date 12/2/98. [98-6113] (yh)

Date	Proceedings
12/7/98	Memorandum in support of motion by Missouri High School Activities Association to appear as amicus curiae filed by Mallory V. Mayse. Certificate of service date 12/3/98 [98-6113] (yh)
12/9/98	MOTION filed to allow Florida High school Activities Association to become an amicus curiae. Motion filed by Leonard E. Ireland for FL High School Assoc. Certificate of Service date 12/8/98. [98-6113] (yh)
12/9/98	AMICUS BRIEF TENDERED. Received from Leonard E. Ireland for Fl High School Assoc [98-6113]. Certificate of Service date 12/8/98 (yh)
12/10/98	MOTION filed to allow Illinois High School Assoc to become an amicus curiae. Motion filed by Terrence E. Kiwala for Il High School Assoc. Certificate of service date 12/9/98. [98-6113] (yh)
12/10/98	AMICUS BRIEF TENDERED. Received from Terrence E. Kiwala for IL High School Assoc [98-6113]. Certificate of service date 12/9/98 (yh)

Date	Proceedings
12/14/98	FINAL BRIEF filed by William Scott Sims, James F. Blumstein, H. Lee Barfield and G. Thomas Nebel for Appellee Brentwood Academy. Copies: 7. Certificate of service date 12/10/98. Number of Pages: 121. [98-6113] (teb)
12/14/98	FINAL BRIEF filed by Richard L. Colbert and Charles Hampton White for Appellants Ronnie Carter, TN Secondary School. Copies: 7. Certificate of Service date 12/10/98. Number of Pages: 58. [98-6113] (teb)
12/21/98	Appellee RESPONSE in opposition to the motion to allow Florida and Illinois High School Athletic Assoc, Kentucky, Michigan, Missouri and Ohio High School Athletic Associations to appear as amicus curiae. Response filed by H. Lee Barfield for appellee. [1855786-1]; Certificate of service date 12/17/98 [98-6113] (yh)
12/29/98	Appellant REPLY to appellees' opposition to the motions to allow amicus to appeal previously filed by Terrence E. Kiwala, et al. Response from Richard L. Colbert and Charles Hampton White for Appellants. Certificate of service date 12/28/98. [98-6113] (yh)

Date	Proceedings
4/15/99	ORDER filed granting motion to allow amicus curiae to appear [1855786-1] filed Terrence E. Kiwala Leonard E. Ireland Jr., Danny C. Reeves, Mallory V. Mayse and John J. Kitchin [98-6113] . (yh)
4/15/99	BRIEF filed by Steven L. Craig for Amicus Curiae OH High School Ath, Edmund J. Sikorski for Amicus Curiae MI High School. Copies 5. Certificate of service date 11/12/98. Number of Pages: . [98-6113] (yh)
4/15/99	BRIEF filed by Terrence E. Kiwala for Amicus Curiae Il High School Assoc. Copies 5. Certificate of Service date 9/12/98 [98-6113] (yh)
4/15/99	BRIEF filed by Mallory V. Mayse for Amicus Curiae MO High School. Copies 5. Certificate of service date 12/16/98 Number of Pages: . (yh)
4/15/99	BRIEF filed by Leonard E. Ireland for Amicus Curiae Fl High School Assoc. Copies 5. Certificate of service date 12/8/98 [98-6113] (yh)

Date	Proceedings
4/15/99	BRIEF filed by Danny C. Reeves for Amicus Curiae KY High School. Copies 5. Certificate of service date 11/16/98. [98-6113] (yh)
4/15/98	BRIEF filed by John J. Kitchin for Amicus Curiae Natl Fedn St High. Copies 5. Certificate of Service date: None. Number of Pages: . [98-6113] (yh)
4/23/99	CAUSE ARGUED on 4/23/99 by Charles Hampton White for Appellant Ronnie Carter, Appellant TN Secondary School, James F. Blumstein for Appellee Brentwood Academy before Judges Guy, Suhrheinrich, Gilman. [98-6113] (me)
4/30/99	Appellee MOTION filed to file supplemental brief. Motion filed by William Scott Sims, James F. Blumstein and H. Lee Barfield for Appellee Brentwood Academy. Certificate of Service date 4/29/99. [98-6113] (yh)

Date	Proceedings
5/6/99	Appellant RESPONSE opposition filed regarding a motion to file supplemental brief previously filed by William Scott Sims, James F. Blumstein, and H. Lee Barfield II. Response from Richard L. Colbert for Appellant Ronnie Carter, Appellant TN Secondary School, Charles Hampton for Appellant Ronnie Carter, Appellant TN Secondary School Certificate of service date 5/4/99. [98-6113] (yh)
5/18/99	RULING granting motion to file supplement brief [1937090-1] filed by William Scott Sims, James F. Blumstein, H. Lee Barfield II [98-6113]. (yh)
5/18/99	Supplemental brief filed by James F. Blumstein for Appellee Brentwood Academy, H. Lee Barfield for Appellee Brentwood Academy, G. Thomas Nebel for Appellee Brentwood Academy. Copies: 4. Certificate of service date 4/29/99. Number of Pages: 40 Includes exhibits [98-6113] (yh)

Date	Proceedings
6/21/99	OPINION filed: The district court's grant of summary judgment in favor of Brentwood is REVERSED: The injunction is VACATED and the case is remanded for further proceedings consistent with this opinion. Decision for publication pursuant to local rule 206 [98-6113]. Ralph B. Guy, Richard F. Suhrheinrich, Ronald L. Gilman, Authoring Judges. (yh)
6/21/99	JUDGMENT: VACATED, REVERSED and remanded. (yh)
7/6/99	PETITION for en banc rehearing filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel for Appellee Brentwood Academy. Certificate of service date 7/2/99. [98-6113] (blh)
7/21/99	LETTER SENT by blh to Richard L. Colbert for Appellants Ronnie Carter, TN Secondary School notifying that party is directed to respond to a petition for en banc rehearing [1974689-1] filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel. Response due by 8/4/99. [98-6113]. (blh)

Date	Proceedings
7/23/99	MOTION filed to allow Chester E. Finn and Daniel Casse leave to file an amicus brief in support of appellee's petition for rehearing en banc. Motion filed by Daniel Casse for Daniel Casse, Chester E. Finn for Chester E. Finn. Certificate of service date 7/22/99. [98-6113] (blh)
7/23/99	TENDERED: brief of amicus curiae in support of appellee's petition for rehearing en banc from Daniel Casse for Daniel Casse and Chester E. Finn for Chester E. Finn [98-6113] (blh)
7/29/99	Appellant RESPONSE in opposition to motion of Chester E. Finn and Daniel Casse for leave to file an amicus brief in support of appellee's petition for rehearing en banc [1984674-1] filed by Daniel Casse and Chester E. Finn Jr. Response from Richard L. Colbert and Charles Hampton White for Appellants Ronnie Carter, TN Secondary School. Certificate of service date 7/27/99. [98-6113] (blh)

Date	Proceedings
8/2/99	ORDER filed denying as untimely the motion for leave to file an amicus brief in support of appellee's petition for rehearing en banc [1984674-1] filed by Daniel Casse, Chester E. Finn Jr. pursuant to Rule 29(e), Federal Rules of Appellate Procedure. The amicus brief submitted by Finn and Casse is not accepted for filing. [98-6113]. Entered by order of the court. (blh)
8/4/99	RESPONSE to a petition for en banc rehearing [1974689-1] filed by William Scott Sims, James F. Blumstein, and G. Thomas Nebel. Response filed by Richard L. Colbert and Charles Hampton White for Appellants Ronnie Carter, TN Secondary School. Certificate of service date 8/3/99. [98-6113] (blh)
8/6/99	ADDITIONAL CITATION in support of the petition for rehearing en banc filed by Wm. S. Sims for Appellee Brentwood Academy. Certificate of service date 8/5/99 [98-6113] (blh)
8/9/99	Appellant RESPONSE in opposition filed regarding the document filed 8/6/99 as an additional citation. Response from Richard L. Colbert for Appellants Ronnie Carter, TN Secondary School. Certificate of service date 8/6/99.

Date	Proceedings
8/12/99	Appellee MOTION filed to reconsider order dated 8/2/99 denying as untimely the motion filed by Daniel Casse and Chester E. Finn, Jr., for leave to file an amicus brief in support of appellee's petition for rehearing en banc. Motion filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel for Appellee Brentwood Academy. Certificate of service date 8/11/99. [98-6113] (blh)
8/18/99	ORDER filed denying motion to reconsider order of 8/2/99 denying as untimely the motion filed by Daniel Casse and Chester E. Finn, Jr. for leave to file an amicus brief in support of appellee's petition for rehearing en banc [1995718-1] filed by William Scott Sims, James F. Blumstein and G. Thomas Nebel [98-6113]. Entered by order of the court. (blh)
8/30/99	ORDER filed denying petition for en banc rehearing [1974689-1] filed by William Scott Sims, James F. Blumstein, and G. Thomas Nebel [98-6113]. Ralph B. Guy, Richard F. Suhrheinrich, Ronald L. Gilman, Circuit Judges. Judge Merritt separate statement on denial of en banc in which Judge Clay joined (blh)

Date	Proceedings
9/8/99	MANDATE ISSUED with no cost taxed [98-6113] (yh)
12/8/99	U.S. Supreme Court notice filed regarding petition for writ of certiorari filed Appellee Brentwood Academy. Filed in the Supreme Court on 11-22-99, Supreme Ct. case number: [98-6113] (swh)
2/25/00	U.S. Supreme Court letter filed: Motion of Memphis University School, et al. for leave to file a brief as amicus curiae is granted; the motion of petition for summary reversal is denied; petition for writ of certiorari granted [2063033-1] filed by Brentwood Academy [98-6113]. Filed in the Supreme Court on 02-22-00. (swh)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**NO: 3-97- 249**
TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,	)	**JUDGE CAMPBELL**
	)	**MAG. JUDGE**
	)	**HAYNES**
	)	
	)	
Defendants.	)	

COMBINED STIPULATIONS

In accordance with Case Management Order No.1, Plaintiff Brentwood Academy and Defendants Tennessee Secondary Schools Athletic Association and Ronnie Carter submit these joint stipulations of fact designed to reduce discovery.

For purposes of this lawsuit and for no other purposes, the parties stipulate that the following facts are true:

I. Jurisdiction and Venue

1. This Court has personal jurisdiction over the parties and subject matter jurisdiction of the claims in this lawsuit.

2. Venue is proper in this Court.

II. Parties

A. Plaintiff Brentwood Academy

3. Plaintiff Brentwood Academy is a co-educational, independent, college-preparatory school founded in 1969, with its campus located at 219 Granny White Pike, Brentwood, Williamson County, Tennessee.

4. The school currently employs approximately 63 teachers and staff, and has an enrollment of 520 students in grades six through twelve.

5. The Headmaster is Bill Brown, the Athletic Director and Head Football Coach is Carlton Flatt and the Director of Admissions is Nancy Brasher. Mr. Brown has been Headmaster since the school's founding.

6. Brentwood Academy does not discriminate in its admission or employment policies. Its policies are:

> Brentwood Academy shall admit students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the Academy. Brentwood Academy does not discriminate on the basis of race, creed, sex, national and ethnic origin in administration of the educational policies, admission policies, financial aid program, athletic, or other school administered programs.

7. The students at Brentwood Academy have been successful in interscholastic athletics. Despite having a much smaller enrollment than many of its competitors, Brentwood Academy has won a large number of league, district, regional and state athletic titles in a variety of sports.

8. Although Brentwood Academy has had success in many sports, its achievements in football have received the most public attention. The football team, under Head Coach and Athletic Director Carlton Flatt, has won nine football championships and finished second six times since 1974.

9. Brentwood Academy is a member of the TSSAA, and the school's interscholastic athletic teams regularly participate in athletic contests regulated by the TSSAA.

B. TSSAA and Carter

10. Defendant TSSAA is a non-profit corporation organized and existing under the laws of the State of Tennessee, with its principal place of business in Hermitage, Davidson County, Tennessee.

11. Defendant Ronnie Carter is the Executive Director of the TSSAA and, at all times relevant to this action involving Brentwood Academy, acted as an employee and agent of the TSSAA and within the scope of his authority as an employee and agent.

12. The TSSAA is a voluntary association of public, independent and parochial secondary schools from across the state of Tennessee. It is composed of 290 public schools and 55 independent and parochial schools. Public high schools compose 84% of the voting membership of the TSSAA with 290 public schools participating in the TSSAA out of a total of 345 schools. Independent and parochial schools compose 16% of the voting membership of the TSSAA (55 independent and parochial schools out of a total of 345 schools). The purpose of the TSSAA is to stimulate and regulate interscholastic athletic competition among its member schools.

13. The Constitution of the TSSAA in effect at all material times provides in Article I, Section 2:

> Recognizing that the primary objective of all secondary schools is to educate youth, the TSSAA aims to co-ordinate [sic] the athletic and scholastic programs. The athletic field and the gymnasium are classrooms in which teaching is foremost in the development of character, integrity, sportsmanship and team work. Although the athletic program is associated primarily with physical education and the scholastic program with mental education, one complements the other.

14. The rules and regulations of the TSSAA are enacted by the Legislative Council, a nine-member body composed of high school principals or assistant principals or qualified superintendents elected by popular vote in each of the nine electoral districts. The counties in each electoral district are set forth in Article II, Section 1 of the Constitution. Each member school has one vote.

15. All the voting members of the Legislative Council and the Board of Control in 1997 were public high school administrators. None of the voting members of the Legislative Council and the Board of Control in 1997 were principals of independent or parochial schools.

16. The State Board of Education for Tennessee does not actively supervise the development of rules and regulations by the TSSAA.

IV. Facts

* * * *

B. The February 10, 1993 Meeting

22. Representatives of Brentwood Academy initiated a meeting with Ronnie Carter, Executive Director of the TSSAA, in 1993 to answer questions about the application of the [Recruiting] Rule.

23. The meeting occurred on February 10, 1993 at Brentwood Academy. The meeting began at 2:00 p.m. and lasted from one to two hours.

24. The following persons attended the meeting: Ronnie Carter, Executive Director of the TSSAA, Bill Brown, Headmaster of Brentwood Academy, Hampton Pitts, a trustee of Brentwood Academy, Elizabeth Tate, Director of Admissions of Brentwood Academy, and Michael S. Peek, an attorney for Brentwood Academy.

25. The statements made by Ronnie Carter during this meeting were made in his capacity as an agent and employee of the TSSAA.

26. Michael S. Peek wrote a letter to Ronnie Carter dated February 24, 1993 about the meeting. A true and accurate copy of the letter is attached as Exhibit C.

27. Mr. Carter received the letter from Mr. Peek.

28. Mr. Carter did not respond in writing to Mr. Peek's letter.

29. Elizabeth Tate, the Director of Admissions, called Mr. Carter a few days after February 24, 1993 and Mr. Carter confirmed that he had received Mr. Peek's letter.

C. Change in Classification Regulations

30. In December of 1995, Brentwood Academy's football team defeated Murfreesboro Riverdale High School, a leading public school football power, in the Clinic Bowl to win the state football championship for the third time in six years.

31. As of March 3, 1998, Brentwood Academy's football team has a record of 310 wins, 43 losses and one tie under Head Coach Carlton Flatt.

32. In the spring of 1996, the Legislative Council of the TSSAA voted to change the basis for classification of schools for athletic purposes.

33. Prior to the decision of the Legislative Council to change the classification regulations for the TSSAA, schools were classified by size of enrollment. For example, schools playing football had been divided into five classes based on the total number of schools playing football. The schools were classed as follows:

5A -- Schools with enrollment of 1,341 and above
4A -- Schools with enrollment of 976 to 1,337
3A -- Schools with enrollment of 616 to 964
2A -- Schools with enrollment of 353 to 596
1A -- Schools with enrollment of 351 and under

34. The TSSAA also divided the schools for other sports into classes based upon enrollment. Three classes were established for basketball, baseball and softball -- Classes AAA, AA and A. Two classifications were

established in volleyball, golf, cross country, wrestling, boys soccer and track: Classes A-AA and Class AAA. In the classifications plans, the schools were classed as follows:

AAA -- Schools with enrollment of 1,014
AA -- Schools with enrollment of 414 to 999
A -- Schools with enrollment of 412

D. The Illegal Recruiting Controversy

35. Allegations that Glean Eddy, Jesse Kellogg, Jermonde Davis and Jacques Curry were recruited in violation of the Recruiting Rule were made in the first instance by certain public high school coaches.

36. These allegations of recruiting were subsequently communicated to Scott Brunette, the director of high school athletics for the Metropolitan Nashville Board of Education.

37. Brunette, in turn, communicated the allegations to the TSSAA.

38. Based on communications with Brunette, the TSSAA, through Defendant Carter, began an investigation into the allegations against Brentwood Academy. TSSAA Assistant Executive Directors Bernard Childress and Gene Menees interviewed Jacques Curry and Jesse Kellogg, two of the four students involved. Menees and Childress did not interview Jermonde Davis or Glean Eddy, the other two students. Menees and Childress talked with six public school coaches in the course of their investigation.

39. On July 29, 1997, Brentwood Academy was notified by Defendant Carter that the TSSAA had found Brentwood Academy guilty of multiple violations of the Recruiting Rule. This information was communicated to

Brentwood Academy in the July 29, 1997 letter from Defendant Carter attached as Exhibit D.

40. The TSSAA has stated that Coach Flatt had no intention of violating the Recruiting Rule by mailing the Spring Practice Letters and making the telephone calls.

41. Defendant Carter's initial findings and penalties are accurately described in the July 29, 1997 letter from Defendant Carter to Brentwood Academy that is attached as Exhibit D.

42. Under TSSAA procedures, Brentwood Academy appealed to the full Board of Control at a hearing held on August 23, 1997, at the Music City Sheraton Hotel in Nashville. The members of the Board of Control who ruled on this second appeal were: Mike Reed of Morristown, President; Harry Durham of Memphis, Vice-President; Lynn Brown of Maryville; John Dixon of Benton; Morris Rogers of Huntland; Mike Hammond of Nashville; Mickey Dunn of Lawrenceburg; Fred Kessler of Bolivar; and Sam Myles of Dyersburg. Rogers, Hammond and Dunn had listened to the evidence in the first appeal.

43. The Board of Control's findings and penalties are accurately described in the August 23, 1997 letter from Mike Reed to Brentwood Academy attached as Exhibit E.

44. By electing to be a member of TSSAA, each member school agrees to abide by the Constitution and By-laws of TSSAA.

45. According to the TSSAA Constitution, the TSSAA By-laws are passed by a Legislative Council consisting of nine members elected by TSSAA member schools.

46. According to the TSSAA Constitution, the TSSAA By-laws are enforced by a Board of Control consisting of nine members elected by TSSAA member schools.

47. In 1990, a three-member committee of the Legislative Council was appointed to review the recruiting rule and propose additional questions and answers and guidelines for interpreting the rule in various situations. The committee included Jim Phifer, who was Vice President of the Legislative Council and principal of Notre Dame High School in Chattanooga, a non-public TSSAA member school. The result of this committee's work was the addition to the TSSAA handbook of new "questions and answers" pertaining to the recruiting rule.

48. In the 1992-93 TSSAA handbook, which was published and distributed prior to January 1, 1993, new "Guidelines for Understanding the 'Recruiting Rule' and Understanding 'What sUndue Influence?'" were added to the TSSAA handbook. The first of these guidelines provides:

> "The major theme of the 'recruiting rule' is not 'initial contact.' The major theme is 'exceeding what is normal and appropriate.' Initial contact can be a violation, but is only one of many things that can exceed what is normal and appropriate."

49. Under TSSAA By-laws, Brentwood Academy was permitted to present an initial appeal on August 13, 1997, and a subsequent appeal to the entire Board of Control on August 23, 1997.

50. As a result of Brentwood Academy's appeals, the sanctions which Ronnie Carter imposed in his preliminary decision of July 29, 1997 were changed.

51. At the time of the meeting on February 10, 1993, and the letter of February 24, 1993, Brentwood Academy Headmaster Bill Brown and Athletic Director Carlton Flatt possessed or had ready access to a copy of the then-current TSSAA By-laws as set forth in the TSSAA Handbook.

52. At the time of the meeting on February 10, 1993, and the letter of February 24, 1993, the Guidelines for understanding the "recruiting rule" appeared in the TSSAA Handbook as a part of the TSSAA By-laws, and the first of those Guidelines stated:

> "The major theme of the 'recruiting rule' is not 'initial contact.' The major them is 'exceeding what is normal and appropriate.' Initial contact can be a violation, but is only one of many things that can exceed what is normal and appropriate."

53. Carlton Flatt received a copy of Ronnie Carter's January 15, 1992 letter to Brentwood Academy Headmaster Bill Brown.

54. TSSAA's first version of the "recruiting rule" was adopted in 1935, and the rule in all its amended forms since 1935 has prohibited "the use of undue influence."

55. On or about May 30, 1997, Carlton Flatt informed TSSAA that John Patton coached Brentwood Academy's middle school boys basketball team and used the Brentwood Academy gym for an AAU basketball team that included several of Brentwood Academy's players.

56. Typically, Brentwood Academy has 8 to 12 new 9th-12th grade students participating in interscholastic football at the beginning of fall football practice.

57. In 1995, no students enrolled at other schools attended spring football practice at Brentwood Academy. In 1996, one or two students enrolled at other schools attended spring football practice at Brentwood Academy. In 1997, twelve students enrolled in the eighth grade at other schools attended varsity spring football practice at Brentwood Academy.

Respectfully submitted,

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[Certificate of Service omitted in printing.]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
v.	)	**No. 3-97-1249**
	)	**Judge Campbell**
TENNESSEE	)	**Magistrate Judge Haynes**
SECONDARY SCHOOLS	)	
ATHLETIC ASSOCIATION	)	
and RONNIE CARTER,	)	
Executive Director and	)	
Individually,	)	
	)	
Defendants.	)	

DEFENDANTS' LOCAL RULE 8(b)(7)(c) RESPONSE

The defendants Tennessee Secondary School Athletic Association ["TSSAA"] and Ronnie Carter, Executive Director of TSSAA ["Carter"], submit this response under Local Rule 8(b)(7)(c) to the statement of undisputed material facts:

1. Plaintiff Brentwood Academy is a co-educational, independent, college-preparatory school founded in 1969. (Combined Stipulations, ¶3).

RESPONSE: This statement is undisputed.

2. The Headmaster Bill Brown, The Athletic Director and Head Football Coach is Carlton Flatt and the Director of Admissions is Nancy Brasher. (Combined Stipulations, ¶5)

RESPONSE: This statement is undisputed.

3. The guiding principle in Brentwood Academy's philosophy of secondary education is excellence in academics, athletics and spiritual life. (Complaint, ¶4; Answer, ¶4). The symbol of the school's philosophy is a triangle whose three sides represent spiritual, academic and athletic excellence. (Id.). The base of the triangle symbolizes spiritual growth, recognizing that the Academy's spiritual emphasis is the foundation of the academic and athletic achievements of its students. (Id.).

RESPONSE: These facts are immaterial, and therefore do not meet the requirements of Local Rule 8(b)(7)(b). The statement is undisputed for purposes of the motion for summary judgment.

4. Brentwood Academy is a member of the TSSAA. (Combined Stipulations, ¶9).

RESPONSE: This statement is undisputed.

5. The TSSAA is an association of public, independent and parochial secondary schools from across the state of Tennessee. (Combined Stipulations, ¶12). It is composed of 290 public schools and 55 independent and parochial schools. (Id.). Public high schools compose 84% of the voting membership of the TSSAA with 290 public schools participating in the TSSAA out of a total of 345 schools. (Id.). Independent and parochial schools compose 16% of the voting membership of the TSSAA (55 independent and parochial schools out of a total of 345 schools). (Id.). The purpose of the TSSAA is to stimulate and regulate interscholastic athletic competition among its member schools. (Id.).

RESPONSE: This statement is undisputed.

6. The rules and regulations of the TSSAA are enacted by the Legislative Counsel, a nine-member body composed of high school principals elected by popular vote of the TSSAA member schools in each of the nine electoral districts. (Complaint, ¶16; Answer, ¶16).

RESPONSE: This statement is undisputed.

7. The administrative authority of the TSSAA is vested in the Board of Control, a separate nine-member body comprised of high school principals elected by popular vote of the TSSAA member schools in each of the nine electoral districts. (Complaint, ¶17; Answer, ¶17).

RESPONSE: This statement is undisputed.

8. Defendant Ronnie Carter is the Executive Director of the TSSAA. (Combined Stipulations, ¶11).

RESPONSE: This statement is undisputed.

9. The Constitution of the TSSAA in effect at all material times provides in Article I, Section 2:

> Recognizing that the primary objective of all secondary schools is to educate youth, the TSSAA aims to co-ordinate (sic) the athletic and scholastic programs. The athletic field and the gymnasium are classrooms in which teaching is foremost in the development of character, integrity, sportsmanship and team work. Although the athletic program is associated primarily with physical education and the scholastic program with mental education, one complements the other.

(Combined Stipulations, ¶13).

RESPONSE: This statement is undisputed.

10. Article VI, Sections 1 and 2 of the TSSAA Constitution in effect at all material times provides:

> Any school charged with violating TSSAA regulations shall be notified of such charges by the Executive Director. If a hearing is desired by the school involved, the Executive Director must be notified immediately in writing. Provisions will then be made for such hearing, and the school so notified.
>
> A member school shall not be suspended from membership without first being given the opportunity to present its case at a hearing. Hearings shall be conducted by the Executive Director in the presence of two or more members of the TSSAA Board of Control who represent the Grand Division of the State in which the school is located, and who shall act in an advisory capacity. After testimony has been heard, the Executive Director shall meet in executive session with the members of the Board of Control who are present at the hearing. After discussing with the Board members the evidence and possible penalties, the Executive Director shall decide what penalty, if any, is to be placed against the school.

(Exhibit A, p. A-5).

RESPONSE: This statement is undisputed.

11. All the voting members of the Legislative Council and the Board of Control in 1997 were public high school administrators. (Combined Stipulations, ¶15). None

of the voting members of the Legislative Council and the Board of Control were principals of independent or parochial schools. (Id.).

RESPONSE: This statement is undisputed.

12. The membership of the TSSAA includes every public high school in Tennessee.

RESPONSE: This allegation does not meet the requirements of Local Rule 8(b)(7)(b) because it is not supported by a specific citation to the record, and therefore no response is required.

13. Article III of the TSSAA Constitution in effect at all material times provides:

> All members of the Board of Control must be principals or superintendents. (An assistant principal who devotes full time to administrative duties shall be eligible to serve.) County superintendents shall not be eligible for membership, nor shall city superintendents of systems of more than one four-year high school or senior high school be eligible for membership. A principal or superintendent cannot serve as a member of the Board of Control and as a member of the Legislative Council at the same time.

(Exhibit A, p. A-3).

RESPONSE: This statement is undisputed.

14. Article IV of the TSSAA Constitution in effect at all material times provides:

> All members of the Legislative Council must be principals or superintendents. (An assistant principal who devotes full time to administrative duties shall be eligible to serve.) County superintendents shall not be eligible for membership, nor shall city superintendents of systems of more than one four-year high school or senior high school be eligible for membership. A principal or superintendent cannot serve as a member of the Legislative Council and as a member of the Board of Control at the same time.

(Exhibit A, p. A-4)

RESPONSE: This statement is undisputed.

15. The TSSA.A was expressly found to be a "state actor" for purposes of 42 U.S.C. §1983 in Graham v. TSSAA. 1995 U.S. Dist. LEXIS 3211 (M.D.Tenn. Feb. 20, 1995).

RESPONSE: This allegation is immaterial and is not based on evidence in the record as required by Local Rule 8(b)(7)(b). It is undisputed that, on a record that was not fully developed regarding the "state actor" issue, the United States District Court for the Eastern District of Tennessee concluded for purposes of ruling in an application for injunctive relief that TSSAA was a state actor to whom 42 U.S.C. §1983 applied. Also, critical to the District Court's conclusion in Graham was the existence of Administrative Rule 0520-1-2-.08 of the state Board of Education. That rule had been substantially amended by the time of the events giving rise to this action.

16. The TSSAA was expressly found to be a "state actor" for purposes of 42 U.S.C. §1983 in Crocker v. ISSAA, 1995 U.S. App. LEXIS 877(6th Cir. Jan. 13, 1995).

RESPONSE: This allegation is both immaterial and disputed. In Crocker v. TSSAA, both in the District Court's decision on the merits and in the two subsequent appeals including the attorneys fee appeal cited in Item 16, the courts did not reach the issue of whether TSSAA was a "state actor" for purposes of 42 U.S.C. §1983.

17. The TSSAA was expressly found to be a "state actor" for purposes of 42 U.S.C. §1983 in Kelley v. Metropolitan County Board of Educ, 293 F. Supp. 485 (M.D. Tenn. 1968).

RESPONSE: This allegation is immaterial and is therefore not proper under Local Rule 8(b)(7)(b). In addition, the cited case was decided prior to 1982 when the Supreme Court of the United States adopted a new method of analysis of the "state action" issue in Blum v. Yaretsky, 457 U.S. 991, 102 S.Ct. 2777, 73 L.Ed.2d 534 (1982) and Rendell-Baker v. Kohn. 457 U.S. 830, 102 S.Ct. 2764, 73 L.Ed.2d 418 (1982), after which the Sixth Circuit adopted a two-part state action analysis not used in cases preceding Blum and Rendell-Baker. See Graham v. NCAA, 804 F.2d 953 (6th Cir. 1986).

18. The TSSAA was implicitly found to be a "state actor" for purposes of 42 U.S.C. §1983 in Hamilton v. TSSAA, 552 F.2d 681 (6th Cir. 1976).

RESPONSE: TSSAA and Carter adopt and incorporate by reference their response to item 17 above. In addition, a Court need not implicitly find TSSAA to be a state actor in order to deny relief in an action under 42

U.S.C. §1983. See, e.g., Crocker v. TSSAA, 980 F.2d 382, 386 (6th Cir. 1992).

19. The TSSAA was implicitly found to be a "state actor" for purposes of 42 U.S.C. §1983 in 1977 in Cape v. TSSAA, 563 F.2d 793 (6th Cir. 1977).

RESPONSE: TSSAA and Carter adopt and incorporate by reference their response to item 17 above. In addition, a Court need not implicitly find TSSAA to be a state actor in order to deny relief in an action under 42 U.S.C. §1983. See, e.g., Crocker v. TSSAA 980 F.2d 382, 386 (6th Cir. 1992).

20. The TSSAA was implicitly found to be a "state actor" for purposes of 42 U.S.C. §1983 in Carnes v. TSSAA, 415 F. Supp. 569 (E.D. Tenn. 1976).

RESPONSE: TSSAA and Carter adopt and incorporate by reference their response to item 17 above. In addition, a Court need not implicitly find TSSAA to be a state actor in order to deny relief in an action under 42 U.S.C. §1983. See, e.g., Crocker v. TSSAA, 980 F.2d 382, 386 (6th Cir. 1992).

21. The employees of the TSSAA, including Defendant Carter, participate in the Tennessee Consolidated Retirement System. (Complaint, ¶20; Answer, ¶20).

RESPONSE: This statement is undisputed.

22. The public high school administrators who serve on the Board of Control and Legislative Council attend most TSSAA meetings during school time on school days when they are being paid out of public funds. [Exhibit M (Deposition of W. Michael Dunn, p. 80)]; [Exhibit N (Deposition of Lynn Brown, p. 43)].

RESPONSE: This statement does not meet the requirements of Local Rule 8(b)(7)(b), since it refers to meetings of both the Board of Control and the Legislative Council, and the citations to the record address only meetings of the Board of Control and not of the Legislative Council. Moreover, this statement is disputed. The Board of Control meeting in August is held on a Saturday. The Board of Control meetings in November and March are held on week days. The Board of Control meeting in June is held after school has been dismissed for the summer. Accordingly, half of the regularly scheduled Board of Control meetings are held on school days, and half of the meetings are held on non-school days. [Deposition of Ronnie Carter, p. 272]. The meeting of the Board of Control on August 23, 1997, at which the Board of Control rendered its final decision on the rule violations of Brentwood Academy, was held on a Saturday at a privately-owned facility, the Music City Sheraton.

23. The TSSAA derives approximately 5% of its revenues from membership fees paid by member schools. (Complaint ¶21; Answer ¶21).

RESPONSE: It is undisputed that TSSAA derives from 4% to 5% of its annual gross revenues from membership dues paid by member schools, including both public and independent schools.

24. A substantial portion of the TSSAA's annual revenue comes from the tournament receipts for the championship tournaments in football and basketball. (Complaint, ¶21; Answer, ¶21)

RESPONSE: This statement is undisputed.

25. Many of the athletic contests between and among member schools are played in state-owned facilities or on state-owned properties. (Complaint, ¶21; Answer, ¶21).

RESPONSE: This fact is undisputed. However, the member schools schedule their own regular-season athletic contests and set the sites for those contests without involvement of TSSAA. [Affidavit of Ronnie Carter]. In addition, TSSAA has no input into the selection of district and regional tournament sites. [Deposition of Ronnie Carter, p. 296]. At the state tournament level, where TSSAA does select the tournament sites, private facilities are used as well like Vanderbilt University for the Clinic Bowl. [Deposition of Ronnie Carter, p. 296]. In addition, where a public facility like Murphy Center is used for the state basketball tournament, TSSAA is required to execute a contract with the state in order to obtain the use of that facility. [Affidavit of Ronnie Carter].

26. In 1992, the State of Tennessee Board of Education promulgated administrative rule 0520-1-2-.08, attached as Exhibit B, recognizing and designating the TSSAA as the exclusive organization to supervise and regulate interscholastic athletic activities of public junior and senior high schools in Tennessee, and authorizing the State Board of Education to review and approve all TSSAA Bylaws.

RESPONSE: This allegation is disputed. The rule attached as Exhibit B was originally promulgated in 1972, and was thereafter amended at times until it was repealed in February 1996 and replaced by the current administrative rule in February 1996.

27. In 1996, the Tennessee Board of Education changed administrative rule 0520-l-2-.08 to read:

> The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

A copy of the rule as amended in 1996 is attached as Exhibit C.

RESPONSE: This statement is undisputed.

28. A true and accurate copy of the Bylaws of the TSSAA (Revised 6/96) effective in 1997 at the time of the incidents in this lawsuit is attached as Exhibit D. (Combined Stipulations, ¶18).

RESPONSE: This statement is undisputed.

29. The Recruiting Rule is contained in Section 21 of the Bylaws of the TSSAA. It provides:

> The use of undue influence on a student (with or without an athletic record), his or her parents or guardians of a student by any person connected, or not connected, with the school to secure or retain a student for athletic purposes shall be a violation of the recruiting rule.

(Combined Stipulations, ¶19).

RESPONSE: This statement is undisputed.

30. For guidance in interpreting the meaning of the Recruiting Rule, Section 21 of the Bylaws contains five questions and answers. (Combined Stipulations, ¶20). They are:

1.

Q. How is undue influence interpreted in the recruiting rule?

A. A person or persons exceeding what is appropriate or normal and offering an incentive or inducement to a student with or without an athletic record.

2.

Q. What is the penalty for violation of the recruiting rule?

A. Violation of the recruiting rule shall cause the student to be ineligible at the school in violation, and a penalty shall be placed against the school.

3.

Q. Is it permissible for a coach to contact a student or his or her parents prior to his enrollment in the school?

A. No, a coach may not contact a student or his or her parents prior to his enrollment in the school. This shall apply to all students whether or not they have an athletic record.

Q. What are some of the guides used in determining whether there has been undue influence used which would result in a violation of the recruiting rule?

A. Some examples are, but not limited to:

1. Providing of transportation or other inducement to any prospective student/athlete to take a qualifying examination at a school, meet with school officials, etc.

2. Discussion of financial aid based on need with any prospective student/athlete by any member of the coaching staff until the student has enrolled in school (attended 3 days of school). All financial aid questions should be referred to the principal or the person in charge of financial aid. If the person in charge of financial aid is a coach, prior approval must be granted by the Executive Director of TSSAA.

3. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete enrolled in any member school except where there is a definite feeder pattern.

4. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete in the seventh grade and above at any non-member school except where there is a definite feeder pattern involving the schools.

Public high schools may contact public feeder schools (elementary, middle school, junior high school) where there is a definite feeder pattern. Private or parochial schools may contact private schools (elementary, middle school, junior high school) where there is a definite feeder pattern.

Private or parochial schools may not contact students enrolled at the public schools. Public schools may not contact students enrolled at the private schools.

5. Any contact between a member of the coaching staff or representative of the school and prospective student/athletes prior to, during, or after contests at elementary schools, middle schools, and junior high schools except where there is a definite pattern.

6. A member school is prohibited from giving any item with school advertisement (shirts, pennants, caps, jackets, etc.)

7. Admitting students to athletic contests free of charge where there is an admission being charged at the contest except where there is a definite feeder pattern involved with the school.

5.

Q. What is allowed by member schools in contacting prospective students?

A. A representative of the school may meet with students at a school that is defined as a feeder school or meet with students who are zoned to attend that school the following year. This visit must be cleared by the principals of both schools.

RESPONSE: This statement is undisputed.

31. For additional guidance in understanding the Recruiting Rule and the term "undue influence," Section 21 provides eight guidelines. (Combined Stipulations, ¶21). They are:

1. The major theme of the "recruiting rule" is not "initial contact." The major theme is "exceeding what is normal and appropriate." Initial contact can be a violation, but is only one of many things that can exceed what is normal and appropriate

2. One key is not treating "athletes" or "prospective athletes" any differently than students who are not athletes.

3. Students should be seen as students and not singled out based on their potential athletic ability.

4. Pre-arranged contact is seen in the same manner as initial contact.

5. Any student or family or individual that contacts a coach about attending a school where he or she coaches should be informed that they need to contact the principal, admissions department, or guidance department if they have an interest.

6. Any meeting with coaches regarding athletes or prospective athletes or their families should be at the request of the family to the individual(s) responsible for admissions and should take place at the school.

7. High school athletics is not the same as colleges recruiting high school athletes for college athletics. High school athletics exist for an entirely different reason. High school coaches should not view 12-, 13-, 14-year-old students in the same manner as college coaches view high school seniors.

8. Administrators and coaches must realize that they have more responsibilities than the general public to understand the purpose of high school athletics, the principles behind the TSSAA rules, etc., and to maintain a level of understanding and purpose when dealing with the general public and students.

RESPONSE: This statement is undisputed.

32. The terms "feeder pattern" and "feeder school" are not defined in the Recruiting Rule. (See Exhibit D, Art.. II, §21).

RESPONSE: This statement is immaterial and undisputed.

33. According to TSSAA Bylaws, "[p]ublic high schools may contact public schools (elementary, middle school, junior high school) where there is a definite feeder pattern." (Exhibit D, Art. II, §21, Ques. 4).

RESPONSE: This statement is undisputed. However, it is misleading, since the same provision of the TSSAA By-Laws also provides that private or parochial schools may contact private elementary, middle, or junior high schools where there is a definite feeder pattern as well.

34. In the case of public high schools, those middle schools whose students are zoned to attend a particular high school are "feeder schools" for that high school.

RESPONSE: This statement is not supported by a citation to the record as required under Local Rule 8(b)(7)(b), and no response is therefore required.

35. All of a particular high school's feeder schools are said to be in that high school's "feeder pattern."

RESPONSE: This statement is not supported by a citation to the record as required under Local Rule 8(b)(7)(b), and no response is therefore required.

36. Many independent high schools are not considered to have any feeder schools other than their own seventh and eighth grade programs.

RESPONSE: This statement is not supported by a citation to the record as required under Local Rule 8(b)(7)(b), and no response is therefore required.

37. The TSSAA, through Defendant Carter, has stated that Brentwood Academy has no schools in its feeder pattern. [Exhibit 0 (Carter Depo., p. 41)].

RESPONSE: This statement is undisputed.

38. A high school is excepted from many of the strictures of the Recruiting Rule with respect to contacting students who attend middle schools in the high school's feeder pattern. (See, e.g., Exhibit 0, Carter Depo., p. 40-41).

RESPONSE: This statement is immaterial, and it is disputed. The recruiting rule makes specific provision with regard to contact by high schools, both public and independent, with students attending schools in the high schools feeder pattern, and those provisions of the recruiting rule speak for themselves.

39. Representatives of Brentwood Academy initiated a meeting with Defendant Carter in 1993 to answer questions about the application of the Recruiting Rule. (Combined Stipulations, ¶22).

RESPONSE: This statement is undisputed.

40. The meeting occurred on February 10, 1993 at Brentwood Academy. (Combined Stipulations, ¶23). The meeting began at 2:00 p.m. and lasted from one to two hours. (Id.).

RESPONSE: This statement is undisputed.

41. The following persons attended the meeting: Ronnie Carter, Executive Director of the TSSAA, Bill Brown, Headmaster of Brentwood Academy, Hampton Pins, a trustee of Brentwood Academy, Elizabeth Tate, Director of Admissions of Brentwood Academy, and Michael S. Peek, an attorney for Brentwood Academy. (Combined Stipulations, ¶24).

RESPONSE: This statement is undisputed.

42. The statements made by Ronnie Carter during this meeting were made in his capacity as an agent and employee of the TSSAA. (Combined Stipulations, ¶25).

RESPONSE: This statement is undisputed.

43. Michael S. Peek wrote a letter to Ronnie Carter dated February 24, 1993 about the meeting. (Combined Stipulations, ¶26); A true and accurate copy of the letter is attached as Exhibit E. (Id.).

RESPONSE: This statement is undisputed.

44. Carter received the letter from Mr. Peek. (Combined Stipulations, ¶27).

RESPONSE: This statement is undisputed.

45. Carter did not respond in writing to Mr. Peek's letter. (Combined Stipulations, ¶28).

RESPONSE: This statement is undisputed.

46. Elizabeth Tate, Brentwood Academy's Director of Admissions at the time, called Carter a few days after February 24, 1993 and Mr. Carter confirmed that he had received Mr. Peek's letter. (Combined Stipulations, ¶29).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

47. Allegations that Brentwood Academy recruited Glean Eddy, Jesse Kellogg, Jermonde Davis and Jacques Curry in violation of the Recruiting Rule were made in the first instance by certain public high school coaches. (Combined Stipulations, ¶35).

RESPONSE: This statement is undisputed.

48. These allegations of illegal recruiting were subsequently communicated to Scott Brunette, the director of high school athletics for the Metropolitan Nashville Board of Education. (Combined Stipulations, ¶36). Brunette, in turn, communicated the allegations to the TSSAA. (Id., ¶37).

RESPONSE: This statement is undisputed, although the term "illegal" is inappropriate because TSSAA rules do not have the force of law.

49. Based on communications with Brunette, the TSSAA, under the leadership of Defendant Carter, began an investigation into the allegations against Brentwood Academy. (Combined Stipulations, ¶38).

RESPONSE: This statement is undisputed.

50. TSSAA Assistant Executive Directors Bernard Childress and Gene Menees interviewed Jacques Curry and Jesse Kellogg, two of the four students involved. (Combined Stipulations, ¶38). Menees and Childress did not interview Jermonde Davis or Glean Eddy, the other two students. (Id.). Menees and Childress talked with six public school coaches in the course of their investigation. (Id.).

RESPONSE: This statement is undisputed.

51. The TSSAA did not take sworn statements from any of the public school coaches who accused Brentwood Academy of recruiting violations or any of the students interviewed during the course of the investigation.

RESPONSE: This statement is immaterial. In addition, it does not meet the requirements of Local Rule 8(b)(7)(b) since it is not supported by a citation to the record. Accordingly, no response is required.

52. Carter actively participated in the TSSAA's investigation of Brentwood Academy. (See Exhibit 0, Carter Depo., p.139-43).

RESPONSE: It is undisputed that Carter participated in the investigation to the extent described on pages 139-143 of his deposition. However, Carter did not personally interview students or coaches, and met only with Brentwood Academy personnel, relying upon the information supplied by Bernard Childress and Gene Menees with respect to the other aspects of the investigation. [Carter Deposition, pp. 141-42].

53. During the course of the TSSAA's investigation, Defendant Carter sent a letter dated July 3, 1997 to Brentwood Academy requesting information about potential violations of TSSAA Bylaws, including the Recruiting Rule.

RESPONSE: This statement is undisputed.

54. A true and accurate copy of the July 3, 1997 letter of inquiry from Defendant Carter to Brentwood Academy is attached as Exhibit F.

RESPONSE: This statement is undisputed.

55. A true and accurate copy of Brentwood Academy's letter dated July 15, 1997, which responded to the TSSAA's July 3, 1997 letter of inquiry, is attached as Exhibit G.

RESPONSE: This statement is undisputed.

56. Brentwood Academy answered fully all of the questions raised in the TSSAA's July 3, 1997 letter of

inquiry. (Affidavit of Carlton Flatt [hereinafter Flatt Aff.], ¶13).

RESPONSE: This statement is disputed. Bill Brown's letter of July 15, 1997, attached as Exhibit G to Brentwood Academy's statement of undisputed facts, shows on its face that Brown declined to answer fully all of the questions raised by Carter on July 3, 1997.

57. Brentwood Academy cooperated with the TSSAA in all respects during the investigation. (Flatt Aff., ¶14).

RESPONSE: This allegation is immaterial. For purposes of the motion for summary judgment only, it is undisputed.

58. On July 29, 1997, Brentwood Academy was notified by Defendant Carter that the TSSAA had found Brentwood Academy guilty of multiple violations of the Recruiting Rule. (Complaint, ¶60; Answer, ¶60).

RESPONSE: This allegation is undisputed, although it omits mention of violation of the rule pertaining to off season practice that was also found by Carter. [Exhibit H to Brentwood Academy Local Rule 8(b)(7)(b) Statement].

59. Defendant Carter's initial findings and penalties are accurately described in the July 29, 1997 letter from Defendant Carter to Brentwood Academy attached as Exhibit H. (Combined Stipulations, ¶41).

RESPONSE: This statement is undisputed.

60. Defendant Carter and the TSSAA have charged Brentwood Academy with a violation of the

Recruiting Rule by giving Jesse Kellogg, a prospective student, a free ticket ("the Free Ticket") to its football game against Lincoln County High School in the fall of 1996. (Complaint, ¶76; Answer, ¶76).

RESPONSE: This statement is disputed. The violation of the recruiting rule was a violation of the express provision prohibiting "admitting students to athletic contests free of charge where there is an admission being charged at the contest . . . ." [Article II, Section 21 of the TSSAA By-Laws, Question and Answer No. 4]. It is undisputed that the manner by which Jesse Kellogg was admitted without charge was by virtue of his receipt of a free ticket.

61. If Kellogg received the Free Ticket, it was given to him by Kevin Armstrong and not by anyone at Brentwood Academy. (Complaint, ¶80; Answer, ¶80; Flatt Aff., ¶11).

RESPONSE: This statement is immaterial, and it is disputed to the extent that Brentwood Academy seeks to absolve itself of responsibility for Kellogg's free admission to the game. Kevin Armstrong called Carlton Flatt on the Monday before the football game at Brentwood Academy against Lincoln County High School. [Kevin Armstrong Deposition, p. 80]. Armstrong talked to Flatt about Kellogg and Eddy, as well as other student athletes at Neelys Bend Middle School, and inquired about the requirements for admission to Brentwood Academy, in the same conversation in which he requested tickets to the game. [Armstrong Deposition, p. 81]. Without any discussion of who Armstrong intended to take to the game [Armstrong Deposition, p. 91], Flatt left three tickets in an envelope for Armstrong at the will-call window without any mechanism to insure

that the tickets were not used by student-athletes. [Armstrong Deposition pp. 99-100].

62. Kevin Armstrong is a teacher and coach at Neely's Bend Middle School. (Exhibit P, Armstrong Depo, p. 1, 10).

RESPONSE: This statement is undisputed.

63. Kevin Armstrong is not an alumnus, employee, booster or representative of Brentwood Academy, or otherwise affiliated or connected with the school. (Flatt Aff., ¶3).

RESPONSE: It is undisputed that Armstrong is not an alumnus, employee, or representative of Brentwood Academy. However, Armstrong has coached AAU basketball with Marcus Bodie both during and after the time when Bodie was a middle school basketball coach at Brentwood Academy, and the team they coached together in 1996 practiced on occasion at Brentwood Academy. [Armstrong Deposition, pp. 66-70]. Accordingly, Armstrong does have some connection with Brentwood Academy.

64. Kevin Armstrong has no contractual or other relationship with Brentwood Academy and no official or unofficial authority to act or make representations on behalf of Brentwood Academy. (Flatt Aff., ¶4).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

65. Brentwood Academy has never represented verbally or otherwise that Armstrong has authority to act or make representations on its behalf. (Flatt Aff., ¶5).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

66. Brentwood Academy has no control over the speech or the activities of Kevin Armstrong. (Flatt Aff., ¶6).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

67. During the week of the Brentwood Academy/Lincoln County High School football game in the fall of 1996, Armstrong telephoned Coach Flatt to request free tickets to the game. (Flatt Aff., ¶7)

RESPONSE: This statement is undisputed for purposes of the motion of summary judgment.

68. Coach Flatt agreed to provide the Free Tickets to Armstrong as a matter of professional courtesy, but only after carefully explaining that they could not be given to any student in the seventh grade or above. (Flatt Aff., ¶8).

RESPONSE: This statement is disputed. According to Armstrong, Flatt did not tell Armstrong not to give the free tickets to students, because if Flatt had told Armstrong that, Armstrong would not have done so. [Armstrong Deposition, p. 84].

69. Many public, independent and parochial schools in Tennessee have a long-standing tradition of giving free tickets to athletic events to professional colleagues who serve as teachers and coaches from other schools. (Flatt Aff., ¶9).

RESPONSE: This statement is disputed. Flatt's affidavit with regard to long-standing traditions of many public, independent and parochial schools in Tennessee is

not based on personal knowledge. While it is undisputed that some schools allow free admission to professional colleagues who serve as teachers and coaches from other schools, the means by which such free admission is allowed varies substantially from school to school and does not necessarily entail the provision of "free tickets."

70. Armstrong originally planned to give the Free Tickets to two adult guests, but his plans changed and he reportedly gave the Tickets to two of his students, Kellogg and Courtney Hale. (Exhibit P, Armstrong Depo., p.13).

RESPONSE: This statement is disputed. [Affidavits of Gene Foster and Maury McDonald].

71. Brentwood Academy officials had no knowledge of Armstrong's decision to take students to the game. (Flatt Aff., ¶10).

RESPONSE: This statement is disputed [Affidavits of Gene Foster and Maury McDonald]. Flatt's affidavit cited in support of this item cannot, based on his own personal knowledge, serve as an attestation to what other Brentwood Academy officials knew or did not know.

72. Brentwood Academy officials had no knowledge that any of the Free Tickets may have been given to Jesse Kellogg or any prospective student. (Flatt Aff., ¶12).

RESPONSE: See response to number 71.

73. Jesse Kellogg denies that he used a Free Ticket to enter the game. (See Exhibit I [Sworn Statement of Jesse Kellogg, p. 8, 19]).

RESPONSE: This fact is immaterial. The defendants do not dispute that Jesse Kellogg has made this denial, although Kevin Armstrong has, as previously discussed, stated that Jesse Kellogg did use a free ticket to enter the game.

74. Over the years, Brentwood Academy has allowed new incoming students, who have been accepted for admission and have committed to attend Brentwood Academy, to participate in many school activities at Brentwood Academy before they actually begin attending class at Brentwood Academy. (Flatt Aff., ¶15).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

75. It is not a violation of the Recruiting Rule for incoming students to participate in school activities at Brentwood Academy, including spring football practice, prior to the time that they actually begin school at Brentwood Academy. (See Exhibit 0, Carter Depo., p. 39).

RESPONSE: This statement is undisputed.

76. In 1995 or 1996, a new incoming female student, who had been accepted for admission and had committed to attend Brentwood Academy in the fall, requested permission to participate in cheerleading tryouts in April. (Flatt Aff., ¶16). The student was allowed to participate in tryouts and made the cheerleading squad. (Id.). Sometime thereafter, Brentwood Academy received a complaint from a parent to the effect that all new students should have been notified about cheerleading tryouts so that they could have participated if interested.

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

77. In the spring of 1997, the father of an incoming ninth-grade student named Ray Paul Marley ("Marley"), who had already been accepted for admission to Brentwood Academy and had committed to attend in the fall, requested permission for Marley to participate in Brentwood Academy's spring football practice. (Flatt Aff., ¶17).

RESPONSE: This statement is undisputed.

78. Marley's participation in spring practice was not a violation of the Recruiting Rule or any other TSSAA bylaw, even though he was attending the eighth grade at another school at the time. (See Exhibit 0, Carter Depo., p. 39).

RESPONSE: This statement is undisputed.

79. Coach Flatt and Brentwood Academy's Director of Admissions, Nancy Brasher, considered whether Brentwood Academy might be faced with a public perception problem similar to the cheerleading incident described in Paragraph 76 if Marley were allowed to participate in spring practice without notifying other new students. (Flatt Aff., ¶18).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

80. To avoid an incorrect public perception and to avoid singling anyone out for special attention, it was decided that Flatt would write a form letter for Brasher to send to all new incoming male students in grades nine and above informing them of the dates for spring practice and inviting them to participate if interested (the "Letter" or "Spring Practice Letter"). (Flatt Aff, ¶19).

RESPONSE: This statement is immaterial, and it is undisputed for purposes of the motion for summary judgment.

81. The Spring Practice Letter, a true and accurate copy of which is attached as Exhibit J, was mailed on or about April 23, 1997 to all new incoming male students who had signed contracts to attend Brentwood Academy. (Exhibit Q, Brasher Depo., p. 63).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

82. The full text of the Spring Practice Letter reads as follows:

> Having officially enrolled at Brentwood Academy, the TSSAA allows you to participate in spring football practice. If you are not currently involved in a sport at your school, we would like to invite you to practice with your new team. Equipment will be given out April 30th at 3:30 downstairs in the locker room.
>
> Spring practice will begin May 1, 1997 and conclude on May 14, 1997. Practice begins at 3:30 and will be finished by 4:45. Due to the inconvenience to your parents, please do not feel that you must attend every practice. However, I do feel that getting involved as soon as possible would definitely be to your advantage.
>
> In the near future, you will receive a letter outlining our summer workout program. If you have any questions, please call me at school 373-0611 x 119, or at home 373-0475. We are

certainly glad that you decided to become an *Eagle*.

Your Coach,

/s/ Carlton Flatt

(Exhibit J).

RESPONSE: This statement is undisputed.

83. Prior to receiving the Spring Practice Letter, each of the students and their parents had already made initial contact with Brentwood Academy to express interest in attending, applied for admission, visited the campus, taken the admissions test, been accepted by Brentwood Academy, and entered into a contract to attend the school. (Flatt Aff., ¶20).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment. However, it is not properly supported by the affidavit of Carlton Flatt, since that affidavit includes statements not made on Flatt's own personal knowledge. According to Nancy Brasher, Brasher is the only person who would know if the students to whom the spring practice letter was sent had submitted enrollment contracts because those contracts come to her. [Brasher Deposition, p. 67].

84. Brentwood Academy requires all students, with the exception of those applying for financial aid, to pay a $300 deposit at the time they sign the contract to attend Brentwood Academy. (Flatt Aff., ¶21).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

85. After receiving the Spring Practice Letter, a parent telephoned Coach Flatt to ask whether it was important for his student to attend spring practice at Brentwood Academy if it conflicted with an activity in which the student was involved at his middle school. (Flatt Aff., ¶22).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

86. Although the Letter indicated that spring practice was optional, Coach Flatt believed, in light of the telephone call described in Paragraph 85, that all of the students who received the Letters should again be contacted and informed that they should not participate in spring practice if it conflicted with activities at their respective middle schools. (Flatt Aff., ¶23).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

87. Coach Flatt chose to telephone the students because there was not enough time before the start of spring practice to send another letter. (Flatt Aff., ¶24).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

88. The TSSAA and Defendant Carter have ruled that the Spring Practice Letters and telephone calls violated the Recruiting Rule. (Complaint, ¶65; Answer, ¶65).

RESPONSE: This statement is undisputed.

89. According to the TSSAA, the Spring Practice Letters and telephone calls violated the Recruiting Rule because they were directed to students who were not yet

"enrolled" at Brentwood Academy, as that term is used in the Recruiting Rule. (Exhibit 0, Carter Depo., p. 121).

RESPONSE: This statement is disputed. According to TSSAA, the fact that these students were not enrolled at Brentwood Academy as the term "enrolled" is defined under the TSSAA By-Laws was an element of the violation. However, the sum total of the violation occurred because the letters and telephone calls directed specifically at male students who were enrolled at and attending other schools, inviting them to attend spring practice at Brentwood Academy, exceeded what was normal and appropriate and therefore amounted to undue influence under the rule. [Carter Deposition, pp. 118-128].

90. According to the TSSAA, the term "enrolled", as used in the Recruiting Rule, means having completed three days of school or three days of a school activity such as fall football practice. (Exhibit 0, Carter Depo., p. 117-18).

RESPONSE: This statement is undisputed.

91. The TSSAA admits that Coach Flatt had no intention of violating the Recruiting Rule by mailing the Spring Practice Letters and making the telephone calls. (Combined Stipulations, ¶40).

RESPONSE: This statement is undisputed.

92. Brentwood Academy appealed the imposition of sanctions in compliance with a two-step appellate procedure set forth in Article VI of the TSSAA Constitution. (Complaint, ¶82; Answer, ¶82). The first appeal was held on August 13, 1997 at the Municipal Building in Fayetteville, Tennessee before Defendant Carter and an advisory

committee comprised of three members of the Board of Control. (Id.).

RESPONSE: This statement is undisputed.

93. Defendant Carter was solely responsible for deciding the appeal. (Complaint, ¶83; Answer, ¶83).

RESPONSE: This statement is undisputed for purposes of the motion for summary judgment.

94. Although Carter was free to consult with the three board members who were present, he was not bound by their advice. (Complaint, ¶83; Answer, ¶83).

RESPONSE: This statement is undisputed.

95. Brentwood Academy was not given an opportunity at the August 13, 1997 hearing to cross-examine witnesses who made allegations against the school. (Complaint, ¶85; Answer, ¶85).

RESPONSE: This statement is disputed. Although it is undisputed that Brentwood Academy was not given an opportunity on August 13, 1997, to cross-examine Ronnie Carter, Bernard Childress, or Gene Menees, all TSSAA employees, Brentwood Academy was free to bring in any other persons to make statements, present information, or answer questions as a part of Brentwood Academy's presentation.

96. The results of this first appeal are accurately set forth in the August 14, 1997 letter from Defendant Carter to Brentwood Academy attached as Exhibit K. (Complaint, ¶86; Answer, ¶86).

RESPONSE: This statement is undisputed.

97. Under TSSAA procedures, Brentwood Academy appealed to the full Board of Control at a hearing held on August 23, 1997, at the Music City Sheraton Hotel in Nashville. (Combined Stipulations, ¶42).

RESPONSE: This statement is undisputed.

98. Brentwood Academy was not given an opportunity at the August 23, 1997 hearing to cross-examine witnesses who made allegations against the school.

RESPONSE: This statement is not supported by a citation to the record as required under Local Rule 8(b)(7)(b), and therefore no response is required.

99. All of the voting board members who participated in the Brentwood Academy hearings are principals of public high schools; none are principals at independent or parochial schools. (See Combined Stipulations, ¶15).

RESPONSE: This statement is undisputed and immaterial.

100. The Board of Control's findings and penalties are accurately described in the August 23, 1997 letter from Mike Reed to Brentwood Academy attached as Exhibit L. (Combined Stipulations, ¶43).

RESPONSE: This statement is undisputed.

101. Defendant Carter was present during the Board of Control's deliberation process. (Exhibit 0, Carter Depo., p. 15).

RESPONSE: This statement is undisputed and immaterial.

102. Defendant Carter answered questions from members of the Board of Control during the deliberation process. (Exhibit 0, Carter Depo., p. 15-16).

RESPONSE: This statement is undisputed and immaterial.

103. The Board of Control imposed the following penalties on Brentwood Academy:

1. The entire athletic program of Brentwood Academy was put on probation for four years.

2. Brentwood Academy's football and boy's basketball programs were suspended from the TSSAA playoff series for the 1997-98 and 1998-99 school years.

3. Brentwood Academy was fined $3,000.

4. Brentwood Academy's football and boys' basketball programs were not permitted to engage in off-season practice in the 1997-98 and 1998-99 school years.

5. Appropriate administrative officials of Brentwood Academy were to meet with the TSSAA Executive Director to develop an administrative control plan to help guard against future problems.

(Complaint, ¶89; Answer, ¶89).

RESPONSE: This statement is undisputed.

/s/ Charles Hampton White
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/s/ Richard L. Colbert
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[Certificate of Service omitted in printing.]

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	
	)	**NO: 3-97- 249**
TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,	)	**JUDGE CAMPBELL**
	)	**MAG. JUDGE**
	)	**HAYNES**
	)	
	)	
	)	
Defendants.	)	

PLAINTIFF BRENTWOOD ACADEMY'S RESPONSE TO DEFENDANTS' STATEMENT OF UNDISPUTED FACTS

Pursuant to Local Rule 8(b)(7)(d), plaintiff Brentwood Academy submits the following responses to defendants' Statement of Undisputed Facts:

1. TSSAA is a non-profit corporation with its principal place of business in Hermitage, Tennessee. [Combined Stipulations No. 10].

RESPONSE: Undisputed.

2. TSSAA is a voluntary association of public, independent, and parochial secondary schools from across the state of Tennessee. The purpose of TSSAA is to stimulate and regulate interscholastic athletic competition

among its member schools. [Combined Stipulations No. 12].

RESPONSE: Undisputed, except the use of the term "voluntary" in this context is disputed. While the TSSAA purports to be a voluntary association, Brentwood Academy disputes that the TSSAA is in fact a voluntary association as that term is interpreted in the law of voluntary associations. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

3. Brentwood Academy renews its membership with TSSAA annually. [Bill Brown Depo. at 157].

RESPONSE: Undisputed.

4. Brentwood Academy voluntarily chooses to join TSSAA each year and is under no compulsion to do so. [Bill Brown Depo. at 158].

RESPONSE: Disputed. While Brentwood Academy has chosen to join the TSSAA in the past, Brentwood Academy disputes that it is under "no compulsion" to do so. Although the TSSAA purports to be a "voluntary" association, high schools in Tennessee must, as a practical matter, belong to the TSSAA for a number of reasons, including the need to schedule games, to compete for state championships, to help attract and motivate students to want the best extracurricular programs and to generate revenues for the athletic department to help in balancing the budget. [Second Carlton Flatt Aff., ¶4; Ellis H. Haguewood Aff., ¶5].

5. Each year when Brentwood Academy elects to join TSSAA, an official executes on behalf of the school a membership application in which Brentwood Academy

agrees that it will conduct its athletic program for that year in accordance with the rules and decisions of TSSAA. [Bill Brown Depo. at 158-89, Collective Exhibit 19].

RESPONSE: Undisputed.

6. On August 12, 1997, one day before the hearing in Fayetteville and eleven days before the final decision of the Board of Control, Brentwood Academy Headmaster Bill Brown signed a membership application on behalf of Brentwood Academy in which he agreed that Brentwood Academy would comply with the decisions of TSSAA and with the provision of the TSSAA Constitution which declares that the Board of Control acts as the final Court of Appeals on matters involving application and interpretation of TSSAA By-Laws. [Bill Brown Depo. at 159-60].

RESPONSE: Undisputed.

7. After the decision of the Board of Control on August 23, 1997, Bill Brown met with administrators of other independent schools throughout the state and learned that there was perception among other independent schools, and not just among public schools, that Brentwood Academy's main focus was on football. [Bill Brown Depo. at 163-64].

RESPONSE: This statement is undisputed but misleading. The referenced perception was espoused by only "some" independent schools. [Bill Brown Depo. at 164]. Other schools expressed very positive views about Brentwood Academy. [Id.].

8. Prior to the August 23 decision of the TSSAA Board of Control, Brentwood Academy or persons

acting on behalf of Brentwood Academy, including Brentwood Academy Director of External Affairs Mark McFerran, supplied information to a public relations agency and to Jim Wyatt of *The Tennessean* pertaining to the investigation and proceedings involving the Brentwood Academy violations of TSSAA rules that were at issue at the August 23 hearing. [Bill Brown Depo. at 155-157].

RESPONSE: Undisputed.

9. Brentwood Academy has no evidence that Ronnie Carter was biased against Brentwood Academy or acted in bad faith or with improper motives when he decided to impose sanctions on Brentwood Academy. [Bill Brown Depo. at 151-153].

RESPONSE: This statement is disputed. Although Mr. Brown had no direct admissions or knowledge of bias, bad faith or improper motivation by Carter, there is a wealth of evidence showing that is was in Carter's self-interest as Executive Director to "throw the book" at Brentwood Academy regardless of the existence of solid evidence of recruiting violations. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

10. Brentwood Academy has no evidence that the Board of Control was biased against Brentwood Academy or acted in bad faith or improper motives in rendering its decision on August 23, 1997. [Bill Brown Depo. at 151-153].

RESPONSE: This statement is disputed. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

11. Ronnie Carter provided notice of the charges to Brentwood Academy, and Brentwood Academy knew what the charges against it were when it presented information at hearings on August 13 and August 23, 1997. [Bill Brown Depo. at 147].

RESPONSE: This statement is disputed. Notwithstanding defendants' misleading citation to a few out-of-context comments from Bill Brown's deposition, Brentwood Academy was not provided clear notice of all the charges against it at any point during the proceedings before the TSSAA. [Bill Brown Depo. at 173; Carlton Flatt Depo. at 79]. For example, the TSSAA sanctioned Brentwood Academy for "contact with student-athletes, initiated by Brentwood Academy" in its final letter decision of August 27,1997, but did not specify the individuals or contacts. [Ronnie Carter Depo., Exhibit 4]. Early on, the TSSAA indicated a concern over alleged recruiting activities by Bart King. [Id., Exhibit 11]. The TSSAA now claims that King played no part in its decision to sanction Brentwood Academy. [Complaint, ¶ 70; Answer, ¶ 70].

12. When Bill Brown received the written notification of the Board of Control's August 23, 1997, decision, he understood the first referenced violation to involve the occurrence where Kevin Armstrong provided a Brentwood Academy football game ticket to Jesse Kellogg, the second referenced violation to involve the letters and phone calls from Carlton Flatt regarding spring practice, and the third referenced violation to involve John Patton's practices with an AAU team included five of Brentwood Academy's players. [Bill Brown Depo. at 125-26].

RESPONSE: This statement is disputed. [See Response to Statement No. 11].

13. Other than loss of the $300.00 enrollment fee if paid, there is no penalty or amount due from a student who has signed an enrollment contract to attend Brentwood Academy if that student elects not to attend Brentwood Academy prior to actually entering school at the beginning of the school year. [Bill Brown Depo. at 105-106].

RESPONSE: This statement is disputed. Nancy Brasher, Brentwood Academy's Director of Admissions, is the person most knowledgeable about and primarily responsible for dealing with enrollment contracts at Brentwood Academy. [Nancy Brasher Aff., ¶ 3]. According to Ms. Brasher, a student who signs an enrollment contract and later elects not to attend Brentwood Academy is liable for the entire tuition for that school year. [Nancy Brasher Depo. at 88-90; Nancy Brasher Aff., ¶ 4]. This obligation arises immediately after the contract is signed. [Nancy Brasher Aff., ¶ 4].

14. Although an enrollment contract for 1997-98 at Brentwood Academy was signed for Jacques Curry, Jacques Curry incurred no penalty when he did not in fact enroll at Brentwood Academy in August of 1997. [Bill Brown Depo. at 105-106, Exhibit 11].

RESPONSE: Brentwood Academy does not dispute that Jacques Curry did not incur any penalty when he did not enroll in Brentwood Academy in August of 1997. Although his family would be liable for the entire amount of tuition for the 1997-98 school year, Brentwood Academy chose not pursue any remedy that it might have against Jacques Curry or his family because the school suffered no financial loss. [Nancy Brasher Aff., ¶ 5].

15. Brentwood Academy has no information that TSSAA and public school officials have acted in concert

with one another to develop a plan to retaliate against Brentwood Academy and other independent and parochial schools. [Bill Brown Depo. at 76-77].

RESPONSE: This statement is disputed. It is undisputed that a group of public school officials lead by Hulon Watson, then the principal at Murfreesboro Riverdale High School, instituted a secret movement of public school to exclude independent schools from competition against public schools within the TSSAA. [Hulon Watson Depo. at 13, 16, 55-56]. This concerted action was primarily in response to the athletic success of independent schools in general and Brentwood Academy in particular [id. at 55-56, 77-78, 102], and lead to the creation of a separate competitive division within the TSSAA, called Division II, for all schools offering financial aid to needy students. [Id. at 109-110, 122-24, 129-30]. Mr. Carter and the TSSAA staff were not informed of the secret plans because they had opposed efforts to move the independent schools to a separate division several years before.

16. Brentwood Academy Headmaster Bill Brown has never sought election to either the TSSAA Legislative Council or the TSSAA Board of Control. [Bill Brown Depo. at 71].

RESPONSE: Undisputed.

17. Brentwood Academy Headmaster Bill Brown does not know which member of the Legislative Council and which member of the Board of Control are the elected representatives for the district in which Brentwood Academy is located. [Bill Brown Depo. at 72-73].

RESPONSE: It is undisputed that Mr. Brown did not know the representative's name on the day of the deposition.

18. Since before the events giving rise to this action, Brentwood Academy Headmaster Bill Brown has actively encouraged other independent schools to join Brentwood Academy and withdraw from the TSSAA. [Bill Brown Depo. at 61-63].

RESPONSE: This statement is disputed. As to the meaning of "actively encouraged," Mr. Brown has expressed the opinion that independent schools should withdraw from the TSSAA and form another athletic association because the TSSAA is unresponsive to the needs of independent schools. [Brown Depo. at 61-63].

19. Brentwood Academy admits that nothing in Mike Peek's February 24, 1993, letter says that once initial contact is made with a school, coaches can provide information on the school's athletic program to the student and his or her family in a meeting or conversation or a letter away from the campus. [Bill Brown Depo. at 37-38, Exhibit 4].

RESPONSE: This is disputed to the extent that a normal reading of this letter would imply that if a representative of the school can communicate information to a prospective student or his family on campus after initial contact by the interested student, then a representative of the school (including a coach) could respond to an inquiry by phone or letter. [Michael Peek Depo. at 17-18].

20. Brentwood Academy admits nothing in Mike Peek's February 24, 1993, letter addresses the sending of letters and making of phone calls to prospective male

students to invite them to spring practice. [Bill Brown Depo. at 39-41, Exhibit 4].

RESPONSE: Disputed. [See Response to Statement No. 19].

21. Brentwood Academy admits that nothing in Mike Peek's February 24, 1993 letter addresses leaving tickets for free admission to a football game in a manner that allows the use of such a ticket by a prospective student who is attending the eighth grade at another school. [Bill Brown Depo. at 41, Exhibit 4].

RESPONSE: Undisputed.

22. Brentwood Academy admits that nothing in Mike Peek's February 24, 1993 letter addresses the limitations in the TSSAA By-Laws on off-season practices for basketball. [Bill Brown Depo. at 43, Exhibit 4].

RESPONSE: Undisputed

23. Mike Peek's February 24, 1993, letter is a fairly complete recount of what was discussed at the February 10, 1993 meeting between Ronnie Carter and Brentwood Academy officials, and there were no major items discussed at that meeting other than the items mentioned in the eight numbered paragraphs of Mike Peek's February 24, 1993 letter. [Bill Brown Depo. at 31-34].

RESPONSE: The first clause of this statement is disputed in so much as the phrase "fairly complete recount" is vague and ambiguous. It is undisputed that Peek's letter covers all of what Brentwood Academy considered to "major items" at the time of the meeting, which took place more than three years prior to the present controversy.

Some of the details of that meeting, however, are not included in Peek's letter. [See Second Liz Tate Aff., ¶ 4].

24. TSSAA was formed in 1925. [Ronnie Carter Depo. at 291].

RESPONSE: Undisputed

25. From the time TSSAA was formed in 1925 until the State Board of Education adopted Administrative Rule 0520-1-2-.08 in 1973, no agency of state government exercised any control over TSSAA's activities. [Ronnie Carter Depo. at 291].

RESPONSE: This statement is disputed. It is merely an allegation, not a statement of fact. Although Carter self-servingly testified that he was not aware of any state agency having control over the TSSAA prior to 1973, [Ronnie Carter Depo. At 291], he has absolutely no personal knowledge of and is not competent to testify about the relationship between the TSSAA and the State of Tennessee at any time prior to 1978, the year that Carter left Overton High School to become an Assistant Executive Director of the TSSAA. [Id. at 8].

26. Neither the statute which sets forth the powers and duties of the Commissioner of Education nor the statute setting forth the powers and duties of the State Board of Education authorizes the Commissioner of Education or the State Board of Education to regulate the conduct of TSSAA. [Tenn. Code Ann. §§49-1-201 and 49-1-302].

RESPONSE: This statement is disputed. The State Board of Education is given the implicit authority to regulate the activities of the TSSAA under T.C.A. §49-1-302. By way of illustration, Administrative Rule 0520-1-2-

.08, which formerly required the State Board of Education to annually approve the rules and regulations of the TSSAA, expressly relied upon T.C.A. §49-1-302 as its statutory authority. Although Jerome V. Sailor takes the contrary position with respect to T.C.A. §49-1-302 in his affidavit and contends that the passage of the former version of Administrative Rule 0520-1-2.08 was an ultra vires act, his opinion has no evidentiary impact on these legal issues.

27. The promulgation of Administrative Rule 0520-1-2-.08 by the State Board of Education in 1972 did not result in the exertion of any control over the activities of TSSAA by the State Board of Education. [Ronnie Carter Depo. at 291].

RESPONSE: This statement is disputed. Pursuant to Administrative Rule 0520-1-2-.08, the State Board of Education reviewed and unanimously approved all of the rules and regulations of the TSSAA on at least four occasions -- 1972. 1988, 1991 and 1992. [See Gary Nixon Aff. (State Board of Education Minutes from March 27, 1992 Meeting); (State Board of Education Minutes from May 31, 1991 Meeting); (State Board of Education Minutes from May 27, 1988 Meeting); (State Board of Education Minutes from August 25, 1972 Meeting)].

Another example of the Board of Education's exercise of its right to control the TSSAA is the Board's dissatisfaction with minority hiring at the TSSAA. The Board's minutes reflect that it scrutinized the TSSAA's minority hiring practices at meetings on July 29, 1994 and September 29, 1994, and ultimately extracted a promise from the TSSAA to improve in this area in the following year or two as funds became available. [See Gary Nixon Aff. (State Board of Education Minutes from July 29, 1994

Meeting); (State Board of Education Minutes from September 29, 1994 Meeting)].

28. The General Assembly of the State of Tennessee does not appropriate any funds to TSSAA. [Ronnie Carter Depo. at 292].

RESPONSE: Undisputed.

29. Neither the State Board of Education nor any other agency of the state has authority to approve or disapprove the contracts of TSSAA. [Ronnie Carter Depo. at 292].

RESPONSE: This statement is disputed. Regardless of whether the State Board of Education chooses to approve or disapprove of the contracts of the TSSAA, it has authority to do so pursuant to T.C.A. §49-1-302. [See Response to Statement No. 26].

30. TSSAA is not required to make any reports to the State Board of Education or to any other agency of the State of Tennessee. [Ronnie Carter Depo. at 292].

RESPONSE: This statement is disputed. The State Board of Education directed Ronnie Carter to report to it on the TSSAA's minority hiring practices at the Board's July 29, 1994 meeting, and again at the Board's September 29, 1994 meeting. [See Response to Statement No. 27]. Moreover, it appears that as late as 1993, the State Board required annual reports from the TSSAA regarding its activities and issues involving high school athletics. [See, e.g., Gary Nixon Aff. (State Board of Education Memorandum from May 12, 1993); (Poulton Memorandum of March 13, 1992); (Poulton Memorandum of March 12, 1989)].

31. The "guidelines for understanding the recruiting rule" that appear with the recruiting rule in the TSSAA By-Laws were developed by a committee that included Jim Phifer, who was at the time Vice President of the Legislative Council and principal of Notre Dame High School, an independent school in Chattanooga. [Ronnie Carter Depo. at 294].

RESPONSE: Undisputed.

32. The information that Brentwood Academy Middle School basketball coach John Patton coached an AAU basketball team that included several Brentwood Academy players, information which formed the basis for the finding that Brentwood Academy violated the TSSAA rule on off-season practice, was supplied by Brentwood Academy Athletic Director Carlton Flatt in a memo received by TSSAA on May 30, 1997. [Bill Brown Depo., Exhibit 15].

RESPONSE: It is disputed as to what actually "formed the basis for the finding that Brentwood Academy violated the TSSAA rule on off-season practice", because that rule is not written, nor has it been previously interpreted, as it has been enforced against Brentwood Academy. [Carlton Flatt Depo. at 59-60; Rick Insell Aff.].

33. In a memo to Ronnie Carter received by TSSAA on June 13, 1997, Brentwood Academy Headmaster Bill Brown supplied the information which reflected that the AAU basketball team coached by John Patton and mentioned in Carlton Flatt's earlier memorandum exceeded the permissible number of practices under the off-season practice rule. [Bill Brown Depo., Exhibit 17].

RESPONSE: This statement is disputed. Bill Brown supplied information to the TSSAA about the AAU team coached by John Patton, but that team is not subject to the TSSAA's off-season practice rule. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

34. In a letter to Ronnie Carter received by TSSAA on June 13, 1997, Brentwood Academy Headmaster Bill Brown informed Ronnie Carter of letters written to new incoming male students informing them of spring practice, which formed a part of the violation of the recruiting rule by Brentwood Academy. [Bill Brown Depo., Exhibit 17].

RESPONSE: It is disputed that these letters violated the Recruiting Rule. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

35. In a letter dated July 15, 1997, Brentwood Academy Headmaster Bill Brown supplied information regarding Carlton Flatt's letter to incoming male students who were enrolled at other schools, to advise them about spring practice, and Carlton Flatt's telephone calls to the parents of those students pertaining to spring football practice, information which formed the basis of a finding by TSSAA that Brentwood Academy violated the recruiting rule. [Bill Brown Depo., Exhibit 18].

RESPONSE: It is disputed that either the letters or the calls violated the Recruiting Rule. [See Brentwood Academy's Memorandum in Opposition to Summary Judgment on State Claims].

36. According to Kevin Armstrong, Jesse Kellogg was admitted free to an interscholastic football

game between Brentwood Academy and Lincoln County High School played at Brentwood Academy in the fall of 1996. [Kevin Armstrong Depo. at 11, 16-17].

RESPONSE: This statement is undisputed, but somewhat misleading. The free ticket allegation by the TSSAA is that Kellogg entered the game with a ticket given to him by Armstrong, not Brentwood Academy. [Kevin Armstrong Depo. at 16]. Although Armstrong received the free ticket from Coach Flatt, Coach Flatt did not intend for the ticket to be given to a student and that no one a Brentwood Academy knew that Armstrong had, in fact, given Kellogg or any other student a free ticket. [First Carlton Flatt Aff. ¶¶ 10, 12].

37. As of the time of the events giving rise to this action, State Board of Education Administrative Rule 0520-1-2-.08 did not provide for State Board of Education review or approval of TSSAA's By-Laws, did not provide for any delegation of authority by the State Board of Education to TSSAA, and did not require any schools to maintain membership in TSSAA. [State Board of Education Administrative Rule 0520-1-2-.08 (February 28, 1996)].

RESPONSE: Disputed. One of the events giving rise to this action was the passage of the Recruiting Rule and its subparts, which were in fact approved by the State Board of Education. [See Response to Statement No. 38].

38. The State Board of Education does not in any way approve or disapprove or act upon any of the TSSAA rules and regulations regarding the regulation of athletic competition between member schools. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed and misleading. In at least 1972, 1988 and 1991, the State Board of Education unanimously approved all of the rules and regulations of the TSSAA. [See Response to Statement No. 27]. In 1992, the Board again approved all of the rules and regulations of the TSSAA, including the Recruiting Rule in virtually the same form in which it existed at the time of the conduct underlying the alleged recruiting violations by Brentwood Academy in this case. [See id.]. In fact, Brent Poulton, the Executive Director of the State Board of Education at the time, declared in a May 13, 1992 memorandum to the other Board members that the Board's annual review and approval of the TSSAA's rules and regulations was **"important as a means of reminding the world that the TSSAA works as an agent on behalf of the State Board of Education."** [Gary Nixon Aff. (Poulton Memorandum of May 13, 1992)]. Further, although the State Board of Education may not choose to do so presently, it has the authority to approve, disapprove or act upon any of the rules and regulations of the TSSAA by virtue of the powers granted to it under T.C.A. §49-1-302. [See Response to Statement No. 26].

39. TSSAA does not submit to the State Board of Education for approval its rules and regulations, nor does the State Board of Education approve, consider, or disapprove the salaries for the Executive Director, the Associate Executive Directors, or the staff members of the TSSAA. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed. Regardless of whether the TSSAA currently requests approval of its rules and regulations by the Board of Education or not, the Board of Education reviewed and approved the TSSAA's rules and regulations in at least 1972, 1988, 1991 and 1992, and has the power to do so presently, whether it chose to or

not. [See Response to Statement Nos. 26, 27]. In fact, the very rules Brentwood Academy is charged with violating were approved by the State Board of Education when they were submitted by TSSAA in 1992. [Ronnie Carter Aff. (History of Recruiting Rule)]. This authority implicitly extends to salary issues pertaining to TSSAA employees also. [T.C.A. §49-1-302].

40. TSSAA has the authority to purchase real property, buy and sell property, mortgage or encumber property and execute promissory notes, deeds of trust, or mortgages without any approval or consideration by the State Board of Education. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed. The TSSAA cannot engage in any activity without, at a minimum, the tacit approval of the Board of Education since the Board has the power to regulate the conduct of the TSSAA pursuant to T.C.A. §49-1-302. [See Response to Statement Nos. 26, 27]

41. TSSAA does not submit to nor does the State Board of Education approve any budget of any type for TSSAA's operations. [Affidavit of Jerome V. Sailors].

RESPONSE: Undisputed.

42. TSSAA does not receive any tax revenues from the State of Tennessee, the State Board of Education, or the Department of Education. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed. The TSSAA receives public funds indirectly from membership dues paid by a substantial portion of its public school membership.

43. No member of the State Board of Education attends meetings either of the TSSAA Board of Control or the TSSAA Legislative Council. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed. The term "member" is not defined If it includes the members of the State Board of Education professional staff and the members of the Board, Dr. Sailors' testimony in his affidavit on this issue is incorrect. The State Board of Education has had ex officio members on both the TSSAA Legislative Council and Board of Control since 1972. [See Gary Nixon Aff. (State Board of Education Minutes from August 25, 1972 Meeting)]. The members of the current Board of Education staff who sit in an ex officio capacity on the TSSAA Board of Control and Legislative Council are J.V. Sailors and Gary Nixon. [See Exhibit A (Excerpt from TSSAA Website printed July 15, 1998)]. Since 1990, State Board of Education members or their representatives have attended at least eighteen Board of Control meetings, with the last being as recently as June 11, 1997 [see Exhibit B (Collection of TSSAA Board of Control Minutes)], and seven Legislative Council meetings. [See Exhibit C (Collection of TSSAA Legislative Council Minutes)]. Dr. Sailors himself attended a two-day Board of Control meeting at Fall Creek Falls State Park just last year. [See Exhibit D (TSSAA Board of Control Minutes from June 11-12, 1997 Meeting)].

44. Any public high school in Tennessee is free to join TSSAA or to refrain from joining TSSAA. [Affidavit of Jerome V. Sailors].

RESPONSE: This statement is disputed. [See Response to Statement Nos. 2, 4].

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CONSTITUTION

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION

Article I
Name and Purpose

Section 1. The name of the corporation shall be the Tennessee Secondary School Athletic Association, and hereafter shall be referred to as TSSAA.

Section 2. The purposes of the corporation shall be as stated in the Charter of Incorporation and, in addition, to simulate and regulate the athletic relations of the secondary schools in Tennessee.

Recognizing that the primary objective of all secondary schools is to educate youth, the TSSAA aims to co-ordinate the athletic and scholastic programs. The athletic field and the gymnasium are classrooms in which teaching is foremost in the development of character, integrity, sportsmanship, and teamwork. Although the athletic program is associated primarily with physical education and the scholastic program with mental education, one complements the other.

Article II
Athletic Districts

Section 1. For the purpose of administration only, the state shall be divided by counties into the following athletic districts:

First Athletic District: Carter, Hamblen, Sevier, Claiborne, Hancock, Sullivan, Cocke, Hawkins, Unicoi, Grainger, Jefferson, Washington, Greene, Johnson.

Second Athletic District: Anderson, Loudon, Roane, Blount, McMinn, Scott, Campbell, Monroe, Union, Knox, Morgan.

Third Athletic District: Bledsoe, Marion, Rhea, Bradley, Meigs, Sequatchie, Hamilton, Polk, Van Buren.

Fourth Athletic District: Bedford, Franklin, Pickett, Cannon, Grundy, Putnam, Clay, Jackson, Rutherford, Coffee, Lincoln, Smith, Cumberland, Marhsall, Warren, DeKalb, Moore, White, Fentress, Overton, Wilson.

Fifth Athletic District: Davidson, Robertson, Sumner, Macon, Stewart, Trousdale, Montgomery.

Sixth Athletic District: Cheatham, Houston, Maury, Dickson, Humphreys, Perry, Giles, Lawrence, Wayne, Hickman, Lewis, Williamson.

Seventh Athletic District: Benton, Fayette, Henry, Carroll, Hardeman, McNairy, Chester, Hardin, Madison, Decatur, Henderson.

Eighth Athletic District: Crockett, Haywood, Obion, Dyer, Lake, Tipton, Gibson, Lauderdale, Weakley.

Ninth Athletic District: Shelby.

Athletic Districts 1, 2 and 3 shall comprise the Grand Division of East Tennessee; Athletic Divisions 4, 5 and 6 shall comprise the Grand Division of Middle Tennessee; and Athletic Districts 7, 8 and 9 shall comprise the Grand Division of West Tennessee.

Article III
Board of Control

Section 1. Administration: The administrative authority of the TSSAA shall be vested in a Board of Control composed of nine members. This Board of Control shall be composed of one representative from each Athletic District, who shall be elected to serve for a period of three years. The terms of office of three of the members of the Board of Control, one from each Grand Division of the state, shall expire each year.

Section 2. Elections: The election of members of the Board of Control shall take place in an annual meeting of the schools of each Grand Division. Nominations shall come from within the district of the member whose term is expiring, and only the members of that Athletic District may vote for their representative on the Board of Control. Each member school of the Athletic District that is represented at the meeting by the principal, or other faculty member, shall be entitled to one vote. In the event of a tie vote, the tie will be broken by a vote of the schools in that Grand Division of the state attending the regional meeting.

The term of office for members of the Board of Control shall begin at the March meeting following their election.

All members of the Board of Control must be principals or superintendents. (An assistant principal who devotes full time to administrative duties shall be eligible to serve.) County superintendents shall not be eligible for membership, nor shall city superintendents of systems of more than one four-year high school or senior high school be eligible for membership. A principal or superintendent cannot serve as a member of the Board of Control and as a member of the Legislative Council at the same time.

Section 3. Officers: The officers of the Board of Control shall be a president and a vice president. These officers shall be elected annually by the members of the Board of Control and each shall perform the duties usually required of the office. The President and Vice-President of the Board of Control shall serve as President and Vice-President of the TSSAA. The President of the Board of Control shall also attend all meetings of the Legislative Council. The Executive Director shall act as Secretary of the Board of Control.

Section 4. Vacancies: Withdrawal from the teaching profession, suspension or lapse of membership of the school represented, or removal from the Athletic District represented shall immediately terminate membership on the Board of Control, and the vacancy shall be filled as provided below.

Vacancies on the Board of Control shall be filled by the members of the Board of Control representing the Grand Division wherein the vacancy occurs. Such members shall serve until the next annual meeting of the member schools of the Grand Division, at which time vacancies shall be filled by regular election.

Section 5. Power and Duties of Board of Control: The Board of Control shall:

(a) Have general control over all athletic contests in which member schools participate.
(b) Elect an Executive Director and delegate to him the authority to interpret and to enforce the Constitution and Bylaws of the TSSAA.
(c) Provide office facilities and employees for properly conducting the business of the Association. (The Tennessee

Secondary School Athletic Association is an Equal Opportunity Employer.)

(d) Determine and authorize all necessary expenditures of money in the conduct of the affairs of the Association.

(e) Determine methods of, and qualifications for, registration of officials; revoke registration of any official for just cause.

(f) Act as a final court of appeals.

(g) Have authority to rule on any cause not covered by the Constitution and Bylaws, until the Legislative Council adopts a rule covering the situation.

Section 6. Meetings: The Board of Control shall meet in August, November, January, March and June. Other meetings may be called by the President of the Board of Control.

Section 7. Quorum: A majority of the members of the Board of Control shall constitute a quorum for the transaction of business.

Article IV
Legislative Council

Section 1. Legislative Body: The legislative body of the TSSAA shall be a Legislative Council composed of nine members. Members shall consist of one representative from each Athletic District elected to serve for a period of three years. The terms of office of three of the members of the Legislative Council, one from each Grand Division of the state, shall expire each year.

Section 2. Election: The election of members of the Legislative Council shall take place in an annual meeting of the schools of each Grand Division.

Nominations shall come from within the district of the member whose term is expiring, and only the members of that Athletic District may vote for their representative on the Legislative Council. Each member school of the Athletic District that is represented at the meeting by the principal, or other faculty member, shall be entitled to one vote. In the event of a tie vote the tie will be broken by a vote of the schools in that Grand Division of the state attending the regional meetings.

The term of office for members of the Legislative Council shall begin at the March meeting following their election.

All members of the Legislative Council must be principals or superintendents. (An assistant principal who devotes full time to administrative duties shall be eligible to serve.) County superintendents shall not be eligible for membership, nor shall city superintendents of systems of more than one four-year high school or senior high school be eligible for membership. A principal or superintendent cannot serve as a member of the Legislative Council and as a member of the Board of Control at the same time.

Section 3. Officers: The officers of the Legislative Council shall be a president and a vice president. These officers shall be elected annually by the members of the Legislative Council and each shall perform the duties usually required of the office. The President of the Legislative Council shall also attend all meetings of the Board of Control. The Executive Director shall act as Secretary of the Legislative Council.

Section 4. Vacancies: Withdrawal from the teaching profession, suspension or lapse of membership of the school represented, or removal from the Athletic District represented shall immediately terminate membership on the

Legislative Council, and the vacancy shall be filled as provided below.

Vacancies on the Legislative Council shall be filled by the members of the Legislative Council representing the Grand Division wherein the vacancy occurs. Such members shall serve until the next annual meeting of the member schools of the Grand Division, at which time vacancies shall be filled by regular election.

Section 5. Duties: The Legislative Council shall make necessary amendments to the Constitution and Bylaws and act upon suggestions submitted by 25 members of the Association.

Section 6. Meetings: The Legislative Council shall meet in December during the week of the state football championships and in March during the week of the state basketball tournaments. Other meetings may be called by the President of the Legislative Council.

Section 7. Quorum: A majority of the members of the Legislative Council shall constitute a quorum for the transaction of business.

Article V
Executive Director

Section 1. The Executive Director shall be elected for a term of three years by the Board of Control.

Section 2. Under the direction of the Board of Control, the Executive Director shall receive, hold, expand and account for all funds of the Association.

Section 3. He shall maintain the records and property of the Association.

Section 4. He shall initiate investigations, conduct hearings, collect information, render decisions and fix penalties based on the evidence, and in accordance with the rules and regulations of the TSSAA. Such decisions shall be subject to review by the Board of Control on appeal by the principal of the member school involved.

Section 5. He shall attend all meetings and serve as Secretary of the Board of Control and of the Legislative Council.

Section 6. He shall be an ex-officio member of all committees of the Board of Control and of the Legislative Council.

Section 7. He shall administer the rules and regulations governing the certification of officials as directed by the Board of Control.

Article VI
Hearings

Section 1. Any school charged with violating TSSAA regulations shall be notified of such charges by the Executive Director. If a hearing is desired by the school involved, the Executive Director must be notified immediately in writing. Provisions will then be made for such hearing, and the school so notified.

Section 2. A member school shall not be suspended from membership without first being given the opportunity to present its case at a hearing. Hearings shall be conducted by the Executive Director in the presence of two or more

members of the TSSAA Board of Control who represent the Grand Division of the state in which the school is located, and who shall act in an advisory capacity. After testimony has been heard, the Executive Director shall meet in executive session with the members of the Board of Control who are present at the hearing. After discussing with the Board members the evidence and possible penalties, the Executive Director shall decide what penalty, f any, is to be placed against the school.

Section 3. Any decision of the Executive Director may be appealed to the Board of Control. If the decision of the Executive Director is sustained, the school making the appeal shall defray the expenses for the meeting of the Board of Control in case a special meeting of the Board is called to consider the appeal.

Section 4. No member of the Board of Control shall serve while a case involving the school which he represents is being heard.

Article VII
Amendments

Section 1. The Constitution may be amended by a majority of the membership of the Legislative Council. The action of the Legislative Council shall be final except that any amendment it makes may be appealed to the entire membership upon request of 25 members of the Association submitted to the Executive Director in writing. An appeal to the membership must be participated in by at least 51 percent of the total membership or the appeal will be void. A two-thirds majority of those voting will be necessary to reject a regulation adopted by the Legislative Council. Any item, not on the regional agenda, that is submitted by a member school to the Legislative Council must be in writing and submitted

to the Executive Director no later than four weeks prior to the meeting of the Legislative Council at which the item is to be submitted. Any item to be placed on the agenda of the Legislative Council must be submitted by the chief administrator of a member school, a committee established by the TSSAA Board of Control, Legislative Council or members of the TSSAA staff.

Section 2. The Legislative Council shall not act on any proposed rule changes affecting any sport sponsored by TSSAA unless the proposed change has been called to the attention of the membership by letter or by being printed in the TSSAA bulletin.

Article VIII
Regional Meeting

Section 1. Regional meetings shall be held in November and/or December of each year at Jackson, Nashville and Knoxville for the purpose of electing members to Board of Control and Legislative Council and of considering proposals to amend the Constitution and Bylaws or other legislative proposals. Proposals for consideration at regional meetings may be submitted by member schools, the Board of Control, or the Legislative Council. All such proposals must be submitted to the Executive Director in writing not later than October 15 of the year they are to be presented at the regional meetings. The Executive Director shall furnish all member schools with a list of all legislative proposals prior to the regional meetings, and the school or group responsible for each proposal shall be indicated. A committee composed of the President and Vice-President of the Legislative Council, the President of the Board of Control, and the Executive Director shall determine the order in which these proposals shall be considered at the regional meetings.

Each member school, provided it is represented by the principal, or by a faculty member designated by the principal, shall be entitled to one vote on all matters considered at the regional meeting held in its area, unless the Board of Control rules in advance of the regional meeting that certain items on the agenda shall not be voted on by the entire membership but that the vote shall be limited to schools concerned with a particular question. Non-voting faculty representatives of member schools have the privilege of speaking for or against any proposal considered.

The action of the member schools at the three regional meetings shall be used as a guide by the Legislative Council in adopting or rejecting legislative proposals.

* * * *

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION

BYLAWS

Article I
Membership

Section 1. Secondary schools (also junior high schools) in the state, which are approved by the State Department of Education, State Department of Education approved agencies (Schools must be in category 1, 2 or 3.) and/or the Southern Association of Colleges and Schools, both private and public, desiring membership in TSSAA may make application to the Board of Control. Applications for membership shall be approved or rejected by the Board of Control.

Member schools that withdraw from the TSSAA membership must be an affiliate member for one year upon application to renew membership.

Section 2. There shall be two divisions for athletic competition - the Senior High Division and the Junior High Division. For tournament competition in the Senior High Division, there shall be two categories. Division I shall be schools whose student-athletes do not receive need-based financial aid. Division II shall be those schools whose student-athletes may be the recipients of need-based financial aid.

Schools which include grades 7-12, 8-12, 9-12 and 10-12 may compete in the Senior High Division. Schools in transition, if they desire, may compete in the Senior High Division after the 10th grade has been added.

Schools which include grades 7, 8 and 9, grades 8 and 9, or grade 9 may compete in the Junior High Division. (It will, therefore, be possible for some schools to compete in both the Senior and the Junior High Divisions, while other schools will be able to compete in only one of the divisions. Even though the school may participate in both divisions, it will hold only one membership in TSSAA.)

Schools with grades 7, 8, 9, grades 8 and 9, or grades 9 may compete in Senior High Division against Senior High Division "B," teams in regular-season contests and "B"-team invitational tournaments provided they use eighth- and ninth-grade students only.

Section 3. The annual dues for a senior high school in Class A shall be $150.00, in Class AA $200.00, in Class AAA $250.00 and for a junior high school shall be $100.00. (All TSSAA schools will pay membership dues based on where their enrollment would place them in the Division I, three-classification plan.). The TSSAA Legislative Council may not increase membership dues unless the increase is approved by a vote of TSSAA member schools.

Membership dues shall be paid in advance and shall be for the calendar year.

Section 4. Membership expires at midnight on December 31 of each year. Schools failing to renew membership before January 1 shall be charged a penalty of $25.00. The Executive Director shall notify by registered letter the principal of any school that has not renewed membership by January 1 and advise the principal that unless the membership fee and the penalty are filed immediately the school will be dropped from the list of member schools.

Financial Statement

Section 5. The fiscal year of the Association shall be from July 1 to June 30. At the close of the fiscal year, the Executive Director shall publish a financial statement. All surplus funds shall be used as directed by the Board of Control.

Suspension

Section 6. The Executive Director and/or the Board of Control shall have power to suspend, to fine, or otherwise penalize any member school for the violation of any of the rules of the Association or for other just cause. The period of suspension or other penalty shall be left to the discretion of the Board of Control where the penalty is not fixed.

Section 7. Any school under suspension, if it has restricted its athletic program to intramural athletics for the period of suspension, may be reinstated by the Board of Control upon application made in writing, 20 days in advance of the time it desires to be reinstated, to the Executive Director by the principal of the school and by the Board of Education under which the school operates. The Executive Director shall present the application of the suspended school to the Board of Control for its consideration. The principal and the board of education shall agree in writing that the school will abide by all rules of the Association in the future. The principal and each member of the board of education shall sign the statement.

Section 8. If a school with one or more two-year contracts has its athletic program in any sport suspended for violation of TSSAA regulations - and the first game of the two-year contract has been played at the offending school - such school shall be required to complete the contract, or

contracts, when it resumes its athletic program if the school, or schools, affected desire.

Section 9. Suspension of a member school shall free all existing contracts between that school and other member schools.

Section 10. An attempt by a member school to permit a player to participate who has been declared ineligible by TSSAA shall free all existing contracts between that school and other member schools.

Section 11. Contracts made and entered into by member schools may be cancelled by mutual agreement or by authority of the Board of Control. All contracts between two schools shall be signed by the principals contracting.

Sponsored Sports

Section 12. TSSAA shall sponsor the following sports: baseball, girls softball, basketball, cross country, football, golf, tennis, track and field, girls volleyball, girls soccer, soccer and wrestling.

Cooperative Programs

Section 13. Two schools may petition TSSAA for permission to have a cooperative program in team sports (football, girls volleyball, basketball, baseball, girls softball, girls soccer and soccer) if one of the schools does not have that program or has not had that program for the last five years. Only schools with the same grade configuration may combine to form a team and schools may co-op with only one other school (a maximum of two schools may combine to form a team). The Executive Director of TSSAA may approve such co-op programs subject to approval by

principal of schools involved, school board of the schools involved, and the TSSAA Board of Control. When a co-op program has been formed between schools it must be re-evaluated after one year and is subject to approval by the Executive Director.

A student attending the ninth grade at a junior high school which terminates at the ninth grade may participate for the senior high school for which it is the feeder school, provided: (a) both schools are under the jurisdiction of the same board of education; (b) the student resides in the zone of that high school; and (c) the student does not have the opportunity to participate in that sport at the junior high school because the junior high school does not offer that sport.

Article II
Eligibility Rules

The member high schools of the Tennessee Secondary School Athletic Association have adopted, through their elected representatives, an essential inter-related group of minimum eligibility requirements which establish the threshold for participation for all students within the interscholastic program and which work together to define and preserve the fundamental nature of the program.

Academic Rules

Section 1. To be eligible to participate in athletic contests during any semester:

(a) The student shall have made a passing grade the preceding semester in at least five full unit subjects or their equivalency, provided the student is in class five days a week. If a school or school system averages the first and

second semester to determine credit for the entire year in a subject, the yearly grade may be used to determine eligibility for the fall semester. *Preceding semester is the last semester school was in session.* If a student is forced to withdraw from school, or is prevented from enrolling in school, due to illness or accident to the student, the principal may submit to the Executive Director full details concerning the illness or accident and request a ruling in regard to the student's eligibility, provided the student was eligible at the time the illness or accident forced the student to withdraw or prevent the student from enrolling in school. If ruled eligible, such a student shall be charged with a semester of attendance for athletic purposes for the semester of non-attendance or withdrawal.

A student who returns to a member school after attendance at a school of correction or alternative school may be eligible for athletic participation provided the school of correction or alternative school is accredited by the Tennessee State Department of Education and provided the student returns to the school attended before entering the school of correction.

Any student assigned by the juvenile court to Tennessee Preparatory School shall be eligible for athletic competition upon entering. After one full semester, the student must meet all eligibility standards to continue his/her eligibility.

(b) Students shall be regularly enrolled, in regular attendance, and carrying at least five full courses. A student shall be considered as regularly enrolled after the student has attended for three days, has engaged in three or more days of football, girls volleyball, cross country, golf or girls soccer practice during the period on or after August 1, or has participated in an athletic contest in any sport.

Section 2. For athletic purposes the scholastic record filed in the office of the principal or superintendent at the end of a semester shall be final. Credits earned in a summer school accredited by the State Department of Education shall be recognized for eligibility purposes provided the student was enrolled during the spring semester immediately preceding the summer session and attended at least 40 days of that spring semester.

Section 3. A student who drops out of school before the end of the semester shall be ineligible to participate in secondary school athletics until the student has been in school a semester and has passed in at least five full unit subjects. (To become eligible under this regulation, a student must attend school for at least 40 days of the semester, but in no case shall the eligibility become effective until the beginning of the succeeding semester.)

* * * *

High School Graduate

Section 4. No student shall be eligible to participate in athletics after he or she has graduated from a secondary school. (A student who takes an accelerated course shall not lose his or her eligibility even though that student earns enough units to graduate provided he or she does not participate in a graduating exercise or accept a high school diploma, and provided the student has not attended a secondary school for eight semesters after enrolling in the ninth grade.)

Eight-Semester Rule

Section 5. A student shall be ineligible to compete in any sport if he or she attended a secondary school, or schools, for

eight semesters of four and one-half months each. Attendance of 40 school days of any semester shall be regarded as a "semester" under this rule. If a student participates in athletics during a period of attendance of any number of days less than 40, he or she shall be charged with a semester of attendance. Attendance in junior high school shall be taken into consideration in determining the number of semesters a student has been in school.

A student who registers for two or more ninth grade subjects after having completed one school year in the eighth grade shall be classified as a high school student for athletic purposes.

The seventh and eighth semesters shall be consecutive.

* * * *

Years of Participation

Section 6. A student who has participated in one first-team game, or B-team game, for any length of time shall be regarded as having played one year. A student shall not play more than four years in any sport while he or she is enrolled in high school.

Grade and Season Participation

Section 7. In a school organized on the six-six plan, the eight-four plan, or the one-twelve plan, eighth-grade students may compete as members of the high school team. Any student repeating the eighth grade shall not be eligible for high school participation during the year that the student is repeating the eighth grade.

Any student repeating the seventh grade after having passed the seventh grade or repeating the eighth grade after passing the eighth grade shall not be eligible to participate in athletics during their ninth-grade year.

Such participation shall not count as one of the four seasons a student is allowed to participate after enrolling in the ninth grade, but such student will be considered as having an athletic record in so far as the transfer rule is concerned. Students in a grammar school or junior high school which are administered under a different principal than that of the high school shall be ineligible to compete as members of the high school team except as members of an approved cooperative program as described in Article I, Section 13.

A student shall not participate in more than one complete season in a sport in a school year.

* * * *

Age Limit

Section 8. No student shall be eligible to participate in any athletic contest during any school year if he or she becomes 19 years of age on or before September 1. The age rule may be waived for the Tennessee School for the Blind when this school is competing with other schools for the blind provided such schools are permitted by their state associations to waive the age rule in competing with other schools for the blind. (Effective with the 1998-99 school year no student shall be eligible to participate in any athletic contest during any school year if he or she becomes 19 years of age on or before August 1.)

* * * *

B Teams and Six-Quarter Rule

Section 9. The membership of a B team shall be composed of all varsity substitutes and any other players that are certified to TSSAA.

All eligibility rules will apply at the varsity level only in high and junior high school. At the junior varsity or B-team level, only the age, semester, academic and repeating rules will apply. Students in violation of any of these four rules will be ineligible to participate at any level. Students that are ineligible as a result of any other rules may participate at the B-team level in either junior high or varsity athletics.

A player shall not participate in more than six quarters of play in one day during regular-season contests. (A player who enters a game for any length of time during a quarter shall be charged with a quarter's participation.)

B teams shall comply with all other TSSAA regulations.

Independent-Game Participation

Section 10. After a student's name is listed on the school eligibility report, the student shall not participate in an independent game until the season has closed or his or her name has been removed from the eligibility report at the request of the school principal.

Any game in which players not registered with TSSAA participate - regardless of whether admission is charged - is considered as an independent game. Violation of this rule will render the student ineligible for 25% of the number of contests allowed in that sport by the sports calendar or for the remainder of the season in that sport, whichever number is the least. Violation of this rule a second time in the same

sport in the same season will render the student ineligible in that sport for the remainder of the season.

A student's name may be removed from the school's eligibility list upon written request of the principal. After such a request has been filed with the state office, a student may then participate as an independent without penalty. If a principal requests the state office to remove a student's name from the school's eligibility list, such student may not again be certified during the season of that sport.

* * * *

All-Star Games

Section 11(a). No student shall be permitted to participate in an all-star game unless it is sanctioned by the TSSAA and unless he/she has completed high school eligibility in that sport; (b) no individual player is allowed to participate in more than two sanctioned all-star contests during the school year; and (c) any student who fails to comply with the preceding requirements loses athletic eligibility for a period of time to be determined by the Board of Control. This rule reflects the present NCAA rule involving all-star games and is designed to parallel those regulations.

An all-star game is defined as any contest (where admission is charged either directly or indirectly) in which one or both teams is composed of players selected from two or more regularly constituted teams. This regulation does not apply to summer baseball and girls softball.

Any all-star game beginning after March 1, 1997, and involving TSSAA athletes must be sanctioned by the TSSAA. A filing fee of $250.00 is required for the game to be considered for sanctioning. If the game is approved then

an additional approval fee of $750.00 is required. If the request is denied, then all fees shall be refunded. This fee is required for games involving groups not affiliated with the TSSAA and only upon initial application.

No member school shall permit use of its equipment, facilities, or of its employees, directly or indirectly, in the management, coaching, officiating, supervision, or promotion of player selection of any unsanctioned all-star team or contest during the school year.

* * * *

Transfer Rules

"Transfer student" - a student who has transferred schools due to a bona fide change of residence by his or her parents or guardians or a student who has transferred schools and has not completed all the grades of his or her former school (school from which student is transferring).

"Transfer student with an athletic record" - a transfer student who has participated in a contest (varsity, B team or junior high) in the last 12 months at a member school or a school holding membership in the state high school athletic association of another state that holds membership in the National Federation of State High School Associations.

Section 12 - 16 apply to "transfer students with an athletic record".

Section 12. The official scholastic and athletic record of a transfer student must be attested by certificate from the principal of the former school. A transfer student shall not participate in athletics in the school to which he or she transfers until a transcript of his or her work and athletic

record has been received by the principal and his or her eligibility has been approved by the Executive Director.

Section 13. If a student enrolled in a member school or a state athletic association school holding membership in the National Federation of State High School Associations who has an athletic record the previous or current school year in football, basketball, baseball, girls softball, or track and field transfers from one school to another without a corresponding change of residence by his or her parents or guardians, the student shall be ineligible for athletic competition in these five sports for 12 months. If a student enrolled in a member school or state athletic association school holding membership in the National Federation of State High School Associations who has an athletic record the previous or current school year in golf, tennis, wrestling, cross country, girls volleyball, girls soccer or soccer transfers from one school to another without a corresponding change in the residence of his or her parents or guardians the student shall be ineligible for 12 months in whichever sport he or she has an athletic record. After being out of athletic competition for a period of 12 months a student may become eligible at any member school provided he or she meets other eligibility requirements.

A student who attends a member private, parochial, or public school other than the school to which he or she is zoned and participates in athletics cannot transfer to another school within the territory served by these schools without losing his or her eligibility for a period of 12 months - even though there is a change of residence.

A student who attends a public school to which he or she is zoned and participates in athletics and transfers to a private, parochial, or public school other than the school to which he or she is zoned and the new school is in the territory or zone

of his or her original school shall be ineligible for 12 months - even though there is a change of residence.

A student who attends a public school in a city or county which has definite school zones prescribed by the Board of Education and participates in athletics may become eligible at another city or county school if his or her parents move into that school zone. Such a student will be ineligible if he or she transfers to a private, parochial, or public school other than his or her zoned school.

If an athlete's parents move during the school year from one school district or territory into another district or territory, the athlete may transfer without loss of eligibility to the school serving the district or territory into which his or her parents have moved: (a) at the time his or her parents change residence; (b) at the end of the next report card period; (c) at the close of the semester; (d) at the close of the school year.

If the parents or guardian of a student with an athletic record move after the athlete has been enrolled in a school for one year or longer, the athlete may continue to attend and retain his or her eligibility provided his or her parents pay the expenses incurred as a result of the student not living at home.

When a student makes a transfer due to the change of the residence of his or her parents or guardians, the student shall be ineligible until the Executive Director has reviewed his or her case and has declared him or her eligible.

If a student has been ruled eligible as a result of a change of residence by an athlete's parent(s) or guardian from residence A to residence B and a transfer of schools from a school serving residence A to a school serving residence B, and the parent(s) or guardian of the student return to

residence A before the student has been enrolled in the school serving residence B for one complete year, the student will be ineligible for 12 months from their last participation date.

If an ineligible contestant competes in a contest(s) and forfeitures occur as a result of the ineligibility and the student is then ruled eligible to compete, the student will be ineligible to participate in twice the number of contests in which he/she participated as an ineligible student-athlete or he/she will be ineligible for the remainder of the season, whichever is the least.

Section 14. If a student with an athletic record the previous or current school year enters a school with higher grades, or a school with the same number of grades above the seventh grade, without having finished all the grades of his or her former school, he or she shall be ineligible for one year - except (a) that a student who has completed the eighth grade, and who is no longer eligible to participate on a junior high team because of age, may transfer to the public high school serving the district in which the student resides; (b) that a student who has completed the eighth grade may transfer to a senior high school in the system with grades 9, 10, 11 and 12, or a student who has completed the ninth grade may transfer to a senior high school in the same system with grades 10, 11 and 12 provided such transfer is approved by the board of education. (This rule shall not apply to students who transfer from junior high schools that do not hold membership in their state high school athletic associations, or TSSAA.)

Section 15. Students who change their school due to a bona fide change or establishment of bus routes by the county board of education and by the county superintendent shall not forfeit their eligibility. In cases where such a change in

bus routes makes it equally convenient for a student to attend another school or the school in which he or she already has an athletic record, such student cannot transfer without losing eligibility for a period of 12 months.

Section 16. A student with an athletic record who transfers from a school where the student is under discipline shall be ineligible for 12 months or until the disciplinary charges have been removed.

* * * *

Foreign-Exchange Programs

Section 17. To be eligible to participate in athletic contests a foreign-exchange student must be in a foreign-exchange program which has been approved by the Council on Standards for International Educational Travel (CSIET).

* * * *

Residence Rule

Section 18. To be eligible, any transfer student or student who has changed schools after having completed the highest ending grade at their his/her school shall live at home with his/her parents or duly appointed guardians. They must live with their duly appointed guardian for a minimum of 12 months. Where the application of this rule works a manifest injustice, the Board of Control may make an exception after student has been in school for 12 months from date of entry.

This regulation shall not apply to a boarding student at a private school nor to a student who is forced to change residence or guardianship due to the dissolution of his or her home by death, separation (provided divorce papers have

been signed and processed through the courts), or divorce of parents. If a student has been living with a family for a period of 12 months, or longer, it shall be assumed for athletic purposes that the head of the family is the student's guardian.

An athlete will be eligible to participate in athletics where the parents are divorced or separated (provided divorce papers have been signed and processed through the courts) the first time he or she changes residence from one parent to the other parent, after establishing an athletic record or practice record, provided there has been a court-ordered custody change and provided the principal of the student's former school indicates that the move was not for athletic reasons. An athlete will be eligible to participate in athletics the first time the student changes residence from a guardian other than a parent to either one or both parents, after establishing an athletic record or practice record, provided there has been a court-ordered custody change and provided the principal of the student's former school indicates in writing that the move was not for athletic reasons.

All such cases must be submitted to the Executive Director and the eligibility of the student established before he or she participates.

* * * *

Practice Rule

Section 19. A student who engages in three or more days of practice with a school in which the student is enrolled shall be ineligible in that sport for that season if the student enrolls in another school without a corresponding change in the residence of the student's parents. A student who engages in three or more days of off-season practice with a school in which the student is enrolled shall be ineligible in that sport

the following season if the student enrolls in another school without a corresponding change in the residence of the student's parents. This rule shall apply to football, girls volleyball, girls soccer, basketball, wrestling, girls softball, baseball and soccer. Refer to Article II, Section 1(b) for definition of enrollment.

Date of Enrollment

Section 20. A student shall not participate in athletics during any semester unless he or she is duly enrolled on or before the 20th school day of the semester. This rule shall not apply to transfer students who have met the attendance requirements in the school last attended.

Recruiting Rule

Section 21. The use of undue influence on a student (with or without an athletic record), the parents or guardians of a student by any person connected, or not connected, with the school to secure or to retain a student for athletic purposes shall be a violation of the recruiting rule.

1.

Q. How is undue influence interpreted in the recruiting rule?

A. A person or persons exceeding what is appropriate or normal and offering an incentive or inducement to a student with or without an athletic record.

2.

Q. What is the penalty for violation of the recruiting rule?

A. Violation of the recruiting rule shall cause the student to be ineligible at the school in violation, and a penalty shall be placed against the school.

3.

Q. Is it permissible for a coach to contact a student or his or her parents prior to his enrollment in the school?

A. No, a coach may not contact a student or his or her parents prior to his enrollment in the school. This shall apply to all students whether or not they have an athletic record.

4.

Q. What are some of the guides used in determining whether there has been undue influence used which would reuslt in a violation of the recruiting rule?

A. Some examples are, but not limited to:

1. Providing of transportation or other inducement to any prospective student/athlete to take a qualifying examination at a school, meet with school officials, etc.

2. Discussion of financial aid based on need with any prospective student/athlete by any member of the coaching staff until the student has enrolled in school (attended 3 days of school). All financial aid questions should be referred to the principal or the person in charge of financial aid. If the person in charge of financial aid is a coach, prior approval must be granted by the Executive Director of TSSAA.

3. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete enrolled in any member school except where there is a definite feeder pattern.

4. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete in the seventh grade and above at any non-member school except where there is a definite feeder pattern involving the schools.

   Public high schools may contact public feeder schools (elementary, middle school, junior high school) where there is a definite feeder pattern. Private or parochial schools may contact private schools (elementary, middle school, junior high school) where there is a definite feeder pattern.

   Private or parochial schools may not contact students enrolled at the public schools. Public schools may not contact students enrolled at the private schools.

5. Any contact between a member of the coaching staff or representative of the school and prospective student/athletes prior to, during, or after contests at elementary schools, middle schools, and junior high schools except where there is a definite pattern.

6. A member school is prohibited from giving any item with school advertisement (shirts, pennants, caps, jackets, etc.)

7. Admitting students to athletic contests free of charge where there is an admission being charged at the contest except where there is a definite feeder pattern involved with the school.

5.

Q. What is allowed by member schools in contacting prospective students?

A. A representative of the school may meet with students at a school that is defined as a feeder school or meet with students who are zoned to attend that school the following year. This visit must be cleared by the principals of both schools.

Guidelines For Understanding The "Recruiting Rule" and Understanding "What Is Undue Influence?"

1. The major theme of the "recruiting rule" is not "initial contact." The major theme is "exceeding what is normal and appropriate." Initial contact can be a violation, but is only one of many things that can exceed what is normal and appropriate.

2. One key is not treating "athletes" or "prospective athletes" any differently than students who are not athletes.

3. Students should be seen as students and not singled out based on their potential athletic ability.

4. Pre-arranged contact is seen in the same manner as initial contact.

5. Any student or family or individual that contacts a coach about attending a school where he or she coaches should be informed that they need to contact the principal, admissions department, or guidance department if they have an interest.

6. Any meeting with coaches regarding athletes or prospective athletes or their families should be at the request of the family to the individual(s) responsible for admissions and should take place at the school.

7. High school athletics is not the same as colleges recruiting high school athletes for college athletics. High school athletics exist for an entirely different reason. High school coaches should not view 12-, 13-, 14-year-old students in the same manner as college coaches view high school seniors.

8. Administrators and coaches must realize that they have more responsibilities than the general public to understand the purpose of high school athletics, the principles behind the TSSAA rules, etc., and to maintain a level of understanding and purpose when dealing with the general public and students.

Amateur Rule

Section 22. A student who has never used and is not using his or her knowledge of athletics or his or her athletic skill for pay in the sports which this Association governs and who has always contested under his or her own name is an amateur. (Accepting money for officiating athletic contests or for working as an employee in a city or county recreation program is not a violation of this regulation.) A student who violates the amateur rule shall be ineligible for 12 months in the sport in which the violation occurs.

Such a student may be reinstated as an amateur after a period of one calendar year from the time he or she was declared ineligible has elapsed, provided he or she has not violated the amateur rule during this period.

A student who signs a professional baseball contract shall be ineligible to participate in high school sports after the signing of such contract.

Award Rule

Section 23. A student may accept a medal, trophy, high school letter, sweater, jacket, shirt, blazer or blanket but nothing else of commercial value. (A sweater, jacket, shirt, blazer or blanket must carry the high school letter or other appropriate award emblem.) None of the approved awards shall be accepted from an individual or a non-school organization unless the giving of such award has been approved by the principal of the school the athlete attends. Acceptance of forbidden awards will cause a student to become ineligible for 12 months in the sport in which the violation occurs. Golf and tennis students will abide by USGA and USTA regulations in accepting awards.

Section 24. A member school that has any connection with the presentation of a forbidden award - such as assisting in the selection of the person to receive the award, permitting the award to be given at a school function, or holding the award for a student until he or she has graduated - shall be subject to penalty.

* * * *

College Attendance

Section 25. No person is eligible who has ever attended college or who has played on a junior college, senior college, or university team.

Student Employment

Section 26. A student who is filling a place as librarian, monitor, secretary, janitor, waiter, or any other position for which that student receives a consideration shall be ineligible to take part in any athletic contest until the Executive Director shall have passed on the case and decided that the service rendered is adequate return for the concession made.

* * * *

Tuition and Financial Aid

Section 27. If tuition is charged, it must be paid by parent, bona fide guardian or other family member. If a parent, guardian or other family member secures a loan for payment of tuition, it must remain an obligation of the parents, guardian or other family member to repay the principle and interest in full with no exceptions. Financial aid will be allowed under the following conditions:

1. Children of full-time faculty members may be given financial aid, but such students, if transfers, shall be ineligible for 12 months in any sport in which they have an athletic record for the previous or current year.

2. Financial aid may be awarded on the basis of need, but proof of such need must be filed in the TSSAA office on forms approved by the Executive Director. In order to determine the basis for need, all schools awarding financial aid shall use the School and Student Scholastic Service for Financial Aid of Princeton, New Jersey. A committee consisting of five School Heads from Division II schools, selected by these schools, and one ex-officio, non-voting member from the Board of Control will meet and make recommendations to the TSSAA Board of Control on each

student submitted. In addition, this committee will collect information from schools regarding financial aid statistics, grant procedures, and the overall financial aid program within the school. The TSSAA Board of Control will then rule on all cases at the August meeting. The TSSAA Board of Control shall have authority to reject the basis for need for students when in its opinion, or the opinion of the school committee, the amount of need stated by School and Student Scholastic Service for Financial Aid of Princeton, New Jersey, cannot be justified.

3. Any loan program, grant program, educational foundation or similar program that is established and/or administered, in whole or in part, by a school or official of a school is considered financial aid.

Schools shall remove any student from athletic eligibility whose accounts with the school are 60 days overdue.

All records pertaining to financial aid or tuition assistance shall be open to TSSAA upon its request. Each school shall be responsible for securing necessary authorization to allow TSSAA to review or audit such records.

Specialized Camps

Section 28. All expenses of an athlete who attends any athletic camp where specialized instruction is offered in any sport sponsored by TSSAA must be paid by the athlete or his or her parents.

Setting Aside Eligibility Rules

Section 29. No part of these eligibility rules shall be set aside by mutual agreement for any contests whatsoever nor

shall they be supplemented in any contest held under the jurisdiction of this Association.

Special Cases Involving Hardship

Section 30. Except for the eligibility rules in regard to age and to the number of semesters in school, the Executive Director shall have authority to set aside the effect of any eligibility rule upon an individual student when in his opinion the rule fails to accomplish the purpose for which it is intended or when the rule works an undue hardship upon the student.

The conditions causing the student to fail to meet the eligibility requirements must have been beyond the control of the school, the student and/or his or her parents, and such that none of them could have reasonably been expected to comply with the rule the violation of which is involved.

If the student has transferred from another school, it is recommended that a statement be filed from the administration of the previous school regarding the transfer. (The statement shall explain why the transfer is being made and give any other information that should be taken into consideration in deciding whether the student shall be eligible to participate in athletics.)

Any decision of the Executive Director may be appealed to the Board of Control at the August, November, January or March meetings.

If any hardship appeal is received after one week prior to the Board of Control meeting, the school will have to pay for additional expenses in order to get material to the Board.

Each school must have an administrator (principal, assistant principal or athletic director) from that school present in order to appear before the Board of Control regarding an appeal.

Physical Examination and Parental Consent

Section 31. It is required that no student be permitted to participate in practice sessions or in athletic contests until there is on file with the principal a preparticipation medical evaluation form signed by a properly licensed doctor of medicine that the student has passed a physical examination, not prior to May 1, and that in the opinion of the examining physician, the student is physically fit to participate in interscholastic athletics. Physician assistants and nurse practitioners may conduct routine preparticipation medical evaluations on athletes according to this form under the supervision of a physician or team doctor at the sole discretion of the TSSAA. The official signature on the form must be that of the supervising physician.

No student shall be required to submit to a physical exam if his/her parent(s) or legal guardian shall file with the principal a signed, written statement (affirmed under the penalties of perjury) declining such physical examination on grounds of sincerely held beliefs or practices.

It is required that no student be permitted to participate in practice sessions or in athletic contests until there is on file a parental consent certificate signed by a parent or legal guardian stating that the student has the consent of his or her parent(s) or legal guardian to participate.

Forfeitures

Section 32. All rulings on eligibility must be in writing, and the accidental, intentional or other use of ineligible players by a member school shall require that team victories in which the ineligible player participated are forfeited to opponents; and any one or more of these additional actions may be taken:

(a) That individual or team records and performances achieved during participation by such ineligibles be vacated or stricken;

(b) That team or individual awards earned by such ineligibles be returned to the TSSAA; and

(c) That a fine for the playing of an ineligible player be assessed against the school, if deemed necessary.

Section 33. If a team is removed from competition, the contest is forfeited to the opponent and the school will face disciplinary action by TSSAA. In addition, the coach and principal of the removed team must appear before the Executive Director to indicate why additional disciplinary action should not be taken.

Section 34. If the coach is ejected from the contest and an assistant coach or full-time employee of the board of education that possesses a teacher's certificate and is assigned as a school representative is not available to continue as coach, the event is terminated and forfeited to the opponent.

Section 35. If a student is ineligible according to TSSAA rules but is permitted to participate in interscholastic competition contrary to such TSSAA rules but in accordance

with the terms of a court restraining order or injunction against his/her school and/or the TSSAA, and that injunction is subsequently voluntarily vacated, stayed, reversed or finally determined by the courts that injunctive relief is not or was not justified or expires without further judicial determination, those actions stipulated in Section 32 shall be taken.

Section 36. If an ineligible contestant competes in a meet, match or tournament and any violation of TSSAA rules occurs, all points earned by that student, or by a relay team of which he or she may have been a member, in that meet or tournament are to be declared forfeited; and in team sports (baseball, basketball, football, girls soccer, soccer, girls softball and girls volleyball) the entire contest is forfeited.

Article III
Schools Which Member Schools May Play or Scrimmage

Section 1. A member of the Tennessee Secondary School Athletic Association is permitted to play or scrimmage:

(a) Other members of this Association.

(b) Schools holding membership in the state high school athletic associations of other states, and which associations hold membership in the National Federation of State High School Associations.

(c) Also secondary schools operated by any agency of state government (Schools must be in category 1, 2 or 3.), provided all players allowed to represent such schools meet the TSSAA semester, transfer, scholarship, and award rule. Member schools that schedule athletic contests with schools of this type shall require such schools to file with them, and

with the state office, a form which states that all students who will participate in the contest are eligible under their association rules and that they also meet the requirements of the TSSAA semester, transfer and scholarship award rules. (This form may be obtained from the TSSAA office.)

(d) One alumni game in any sport except football. Contests with college freshmen teams in track and field, baseball, girls softball, golf, tennis and girls volleyball provided such contests do not involve more than one TSSAA team and one college freshman team.

(e) Any school with grades 9 and above which is approved by the State Department of Education, State Department of Education approved agencies (Schools must be in category 1, 2 or 3.) and/or the Southern Association of Colleges and Schools provided it has been approved in writing by the Executive Director. Such schools may compete with TSSAA member schools in regular-season contests and invitational tournaments or meets. In such contests TSSAA-approved officials will be used. Such schools will abide by the TSSAA eight semester and age rule.

(f) Any elementary or middle school with any combination of grades K-8 provided both the member school uses only students in grades 7 and 8 and the elementary or middle school uses only students in grades 7 and 8 and provided the non-member school is approved by the State Department of Education, State Department-approved agencies (Schools must be in category 1, 2 or 3.) and/or the Southern Association of Colleges and Schools provided it has been approved in writing by the Executive Director. Such schools may compete with TSSAA member schools in regular-season contests and invitational tournaments or meets. In such contests TSSAA-approved officials will be

used. Such schools will abide by the TSSAA four-semester and age rule.

* * * *

Intrastate Tournaments and Meets

Section 2. No member school shall enter any intrastate basketball, girls volleyball, wrestling, girls soccer or soccer tournament, or any intrastate track and field meet unless said tournament or meet is sanctioned in writing by the Executive Director. (This does not apply to dual, triangular or quadrangular track and field meets.)

Interstate Tournaments and Track Meets and Contests With Out-Of-State Teams

Section 3. The TSSAA is a member of the National Federation of State High School Associations.

All interstate tournaments or meets in track and field, tennis, golf, baseball, girls softball, girls soccer, soccer, cross country, girls volleyball, wrestling, basketball or football - also any single contest in any of these sports with an out-of-state team which involves a round trip exceeding 600 miles or any single contest with an out-of-state team that is sponsored by an individual or an organization other than a member school - must be sanctioned by the National Federation and the state associations concerned. Only one out-of-state trip involving travel in excess of 600 miles by a team of a member school will be sanctioned during any one season.

Schools which participate in non-sanctioned tournaments, meets, or contests, shall be subject to suspension. Applications for the sanction of an interstate tournament,

meet, or out-of-state contest involving travel of over 600 miles or the sponsorship of an individual or non-school organization shall be made to the Executive Director.

* * * *

Varsity Team

Section 4. There can be only one varsity team in any sport.

Eligibility Lists

Section 5. An eligibility list containing the name of each student who is to participate during the season in each sport shall be filed by the principal with the Executive Director and postmarked one week prior to the first contest. If a student whose name does not appear on the original eligibility list wishes to become a member of the squad, a supplementary form listing the student's name must be filed with the state office before the student is allowed to participate. The penalty for violation of this rule shall be a fine of $25.00. Any school failing to file such reports promptly along with checks for penalty, after being notified by the Executive Director, shall be subject to suspension.

Filing Schedule Reports

Section 6. Member schools shall file with the state office a copy of the schedule in each sport one week prior to the first contest. Penalty for failure to file the schedule report one week prior to playing the first contest shall be a fine of $25.00.

Coaches

Section 7. All coaches will fall under one of the following categories:

1. Full-time employee (a minimum of 100 school days) of the board of education with a Tennessee state teaching license or the equivalent.

2. Retired educator (five or more years experience) with a valid Tennessee state teaching license or the equivalent.

3. Non-faculty coach - Anyone approved by the principal, superintendent, and/or local board of education in the normal course of employment procedures in accordance with applicable state law.

A. The position has been advertised and no full-time employee with a teaching license who meets the qualifications required for coaching the specific sport in question is available.

B. All head coaches in football, basketball, baseball, girls softball, and track and field must be full-time employees with a Tennessee state teaching license (see #1 above).

C. All non-faculty coaches who are not retired educators (see #2 above) must complete the NFICEP Coaches Education Program in a TSSAA-approved course within one year of his/her employment and must continue to renew this certification every three years by completion of additional NFICEP courses. In addition, all non-faculty coaches who are not retired educators must attend the TSSAA Coaches Training Meeting annually.

D. All head non-faculty coaches in girls volleyball, cross-country, golf, wrestling, tennis, girls soccer and soccer must complete the NFICEP Coaches Education Program in a TSSAA-approved course prior to assuming the position.

E. In using retired educators and non-faculty coaches, a school shall be limited to a total of two coaches in football and one coach in all other sports. These individuals may be assistant coaches in football, basketball, baseball, girls softball, and track and field, and they may be either head coaches or assistant coaches in all other sports.

F. All coaches are subject to the TSSAA rules and regulations as regular coaches and must conduct themselves in a manner becoming of a coach and representative of the school. All coaches are responsible to the principal of his/her school.

Coaches must be paid entirely from funds approved by the board of education or the governing board of the school.

Rules Of The Game

Section 8. The official rule books as published by the National Federation of State High School Associations shall be used in football, basketball, baseball, girls softball, wrestling, girls soccer, soccer, track and field and girls volleyball. (Except for football and basketball, there shall be a $25.00 administrative fee for girls and boys teams participating in each sport. The $25.00 administrative fee shall be mailed to TSSAA prior to the playing of the first contest in each sport. Failure to send the $25.00 administrative fee prior to the first contest will result in an additional $25.00 late fee.)

Duties Of The Principal

Section 9. A principal shall furnish to the Executive Director such information as may be desired concerning eligibility of contestants, participation and reports on officials. Failure to comply within a reasonable time shall subject the school to suspension, fine or other penalty. Any eligibility or participation list shall remain on file in the principal's office for a period of not less than five years.

Number of Regular Season Football Games

Section 10. A football team shall be permitted to play a maximum of 10 games if it is participating in the football playoff series, 11 games for the first round of the football playoff series, 12 games for the second round of the football playoff series, 13 games for the quarterfinals of the football playoff series, 14 games for the semifinals of the football playoff series, and 15 games for the finals of the football playoff series. Schools that do not qualify for the fall playoff series may schedule an additional game for a total of 11 games.

Practice and Playing First Football Game

Section 11. There shall be no football practice in pads from the close of school until the date set for beginning fall practice. The date for beginning fall practice shall be August 1. A game may be played on Wednesday or Thursday preceding the Friday of the first scheduled football game.

Football Bowl Games

Section 12. A school must participate in the TSSAA region football playoff series and win at least five games in order to be eligible to participate in a football bowl game. No

member school may participate in a football bowl game if the opponent represents an out-of-state school.

Any football game scheduled after the first Friday in September - if it is sponsored by a non-school organization - or any football game scheduled at any time - if the participating teams are not named at the time the game is scheduled - will be considered as a bowl game.

Sponsors of football bowl games shall obtain written approval from the Executive Director of TSSAA before scheduling such contests. No member school shall agree to play in a bowl game without first ascertaining that the proposed game has been approved by TSSAA.

TSSAA SPORTS CALENDAR [Calendar]

Section 13. An invitational tournament shall count as two games in basketball, girls soccer, soccer, baseball and girls softball. All tournaments shall be held on consecutive days with no other regular-season games being played during the tournament unless permission is granted by the Executive Director.

In all individual sports (cross country, golf, track and field, tennis and wrestling) individuals accompanied by a coach may enter varsity competition at different sites at the same time and date, and this will count as two dates on the schools' schedule.

Any school that is starting a sport for the first time may have five days of off-season practice prior to the first season the sport begins. This would apply to girls volleyball, girls soccer, soccer, baseball, girls softball and track and field. It would not apply to football and basketball since schools are allowed 10 days in these sports.

A school may open its facilities to all students in their school and coaches may serve in a supervisory capacity only. No practice schedules may be followed, the facilities must be open to everyone in the school, and coaches may serve in a supervisory capacity only.

* * * *

Section 14. The sports season for a school shall end when the team has been eliminated from the TSSAA tournament series or has won the state championship. The sports season shall end for a school whose team does not enter the tournament series with the playing of the last regularly scheduled game.

Jamborees

Section 15. A member school may participate in one jamboree per sport provided (a) the jamboree is approved by the state office and is held before any of the participating schools play the first game; (b) the jamboree is sponsored by the participating schools and all proceeds go to the participating schools; (c) the jamboree is conducted in accordance with the following regulations:

* * * *

Conduct of Students

Section 16. A student who uses insulting or profane language or who is guilty of foul tactics, in addition to being disqualified by the referee shall be subject to such additional penalties as the Board of Control or Executive Director may deem best.

TSSAA Share in Tournament Receipts

Section 17. Fifteen percent of the gross proceeds from district and regional girls volleyball, district and regional girls soccer, district and regional soccer, regional track and field meets, invitational and regional wrestling tournaments, invitational, county, conference, district and regional basketball tournaments shall be paid to TSSAA. This regulation shall apply to junior division basketball tournaments, but not to "B"-team tournaments.

After all expenses in connection with the holding of the state tournaments in basketball, track and field, baseball, girls softball, girls volleyball, girls soccer, soccer and wrestling have been paid, any remaining funds from the gate shall be placed in the TSSAA treasury.

Awards

Section 18. TSSAA shall furnish trophies, plaques, ribbons and medals in TSSAA-sponsored sports as determined by the TSSAA Board of Control.

Use of Tobacco

Section 19. The use of tobacco in any form by coaches, officials, and athletes is prohibited at TSSAA sanctioned events.

Article IV
Officials

Section 1. (a) Officials shall be agreed upon by both schools. (b) These officials must be registered and approved by TSSAA. If a registered official who has been engaged for an athletic contest fails to appear, the principal of the home school may, with the approval of the visiting school, select an official for the contest. If this is done, the principal of the home school must mail to the Executive Director within 48 hours evidence showing that a registered official was employed for the game and that the official did not appear. The principal of the home school shall give the name and address of the registered official who was employed to officiate the game, and the name and address of the non-approved official used as a substitute.

Section 2. It shall be the duty of a game official to file immediately a report with the state office if there is any unusual incident involving unsportsmanlike conduct on the part of the players, coaches, cheerleaders, or fans.

Section 3. The Executive Director shall have authority to suspend or fine officials who are guilty of unsportsmanlike or unethical conduct or who fail to file immediately required reports with the state office. Such decisions shall be subject to review by the TSSAA Board of Control upon appeal by the official.

Section 4. An official shall be prohibited from working in an athletic contest in which a member of his or her immediate family - son, daughter, brother, sister, mother, father, husband or wife - is playing or is serving as a coach for either team. If an official is a teacher, the official is prohibited from working in an athletic contest if one of the teams represents the school in which the official is employed

as a teacher unless otherwise approved by the Executive Director.

* * * *

Contracts With Officials

Section 5. A school may drop an official from a game after the official has been engaged. If a school decides that it is wise to break its agreement with an official, it may be done by paying the official the regular fee for the game. Canceled and postponed games do not come under the above provision, provided that the official is duly notified. In the case of postponed games, the officials that were originally employed must be given the opportunity to work on the new date.

* * * *

Management of Athletic Contests

Section 6. Visiting teams shall be accompanied by the principal or someone designated by the principal.

Section 7. All games shall be properly supervised to insure sportsmanlike contests. The host school shall be responsible for providing sufficient security to insure orderly conduct on the part of all spectators. If the game is played on a neutral field and neither team is designated as the host team, the competing schools shall share the responsibility of providing sufficient security.

Member schools are responsible for the conduct of their own fans and students at every athletic contest, regardless of where it may be held.

The coach and principal of each of the schools participating in an athletic contest shall file a report immediately with the state office if there is any unusual incident involving poor sportsmanship, during or following the game, on the part of players, coaches, school administrators, game officials or spectators.

Responsibility of The Principal

Section 8. The principal of each school, in all matters pertaining to the athletic relations of his school, is responsible to this Association. The principal shall exercise control over all finances, the scheduling of contests, and all other matters involved in the management of the school=s athletic program. Any school whose athletic program is managed by a non-school group shall not be eligible to hold membership in TSSAA.

* * * *

Article V
Bond

Section 1. The Executive Director of the TSSAA shall execute annually a Surety Bond on $30,000 or more if the Board of Control directs, covering TSSAA funds held by him. The fee on this bond is to be paid from the Association funds.

Article VI
Amendments

Section 1. The Bylaws of the TSSAA shall be amended by the same method as the Constitution.

BYLAWS OF THE JUNIOR DIVISION

(Unless otherwise specified in the statements which follow, the rules and regulations of the Tennessee Secondary School Athletic Association for the Senior High Division will apply to schools participating in the Junior Division.)

RULE 1. Membership in the Junior Division shall be open to schools with grades 1-12, 7-9 and 9-12. It is mandatory that schools which participate in the Senior Division of TSSAA and have grades 8 and 9 only, or grade 9 only, register in the Junior Division if such schools have a team, or teams, composed of 9th graders, or of 8th and 9th graders which play other member schools. Such schools will hold only one membership in TSSAA but will compete in both divisions. Schools with grades 7-9 only may also hold membership in the Junior Division of TSSAA.

RULE 2. No student in a grade below the 7th can compete as a member of a team in the Junior Division. A student is not considered as enrolled in the 7th grade until he or she is scheduling all 7th grade subjects.

RULE 3. No student shall be eligible to compete in the Junior Division during any school year if the student becomes 16 years of age on or before August 1.

RULE 4. Teams registered in the Junior Division may compete with other teams registered in this division, or with similar teams in other states whose schools hold membership in the state high school athletic association. Junior high schools may play ninth grade teams from other states that do not register Junior Division teams provided all ninth grade athletes are registered with the state association or out-of-state junior high schools with grades seven through nine who meet TSSAA regulations.

RULE 5. All students participating on a team registered in the Junior Division must be enrolled in the same school and be under supervision of the same administrative head except that students enrolled in an elementary school with grades seven and eight may be certified as members of the ninth grade team of a high school with grades 9-12 provided both buildings are on the same campus, and provided there is only one elementary school in the system with grades seven and eight.

RULE 6. A school with teams in both the Senior and the Junior Division may certify a student in grades 8 and 9 as a member of the senior or the junior team, but once such student has been certified to the state office as a member of the senior team the student must continue as a member of that team for the remainder of the season for which he or she has been certified. A student in the 8th or 9th grade who has been certified as a member of the junior team may be advanced to the senior team at anytime, provided the state office is advised to strike his or her name from the junior team eligibility report and a new eligibility report is filed to show that the student has been advanced to the senior team.

RULE 7. A student shall be ineligible to compete in the Junior Division if the student has attended school for four semesters after enrolling in the 8th grade. Any student that repeats the 7th grade after having passed the 7th grade shall not be eligible until they have reached the next higher grade. Any student that repeats the 8th grade after having passed the 8th grade shall not be eligible to participate during the year in which they are repeating the 8th grade. Attendance for forty school days of any semester shall be regarded as a "semester" under the rule. If a student participates in athletics during a period of attendance of any number of days less than forty, the student shall be charged with a semester of

attendance. Any student repeating the 7th grade after having passed the 7th grade, or repeating the 8th grade after passing the 8th grade, shall not be eligible to participate in athletics during their 9th grade year.

RULE 8. To be eligible to participate in athletic contests during any semester 7th and 8th grade students shall have made a passing grade during the preceding semester in at least four subjects meeting five times per week. Two subjects which meet for a combined total of five days per week may be counted as one subject. If a school or school system averages the first and second semester to determine credit for the entire year in a subject, the yearly grade may be used to determine eligibility for the fall semester. (Scholastic requirements for 9th grade students will be found in Article II, Section I of the Bylaws.)

RULE 9. Junior Division schools that enter a county, conference, or invitational tournament in basketball, baseball, softball, volleyball, wrestling, and soccer during the season shall be charged with two games or dates.

RULE 10. No athletic contests in football, basketball or wrestling in which Junior Division teams participate may be sponsored by a non-school group organization.

* * * *

MEMORANDUM

TO: State Board of Education Members

FROM: C. Brent Poulton

DATE: May 12, 1989

RE: NOTES PERTAINING TO THE AGENDA FOR THE MAY BOARD MEETING

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II. REPORTS

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C. Annual Review and Report on Tennessee Secondary School Athletic Association Rules

The State Board delegates responsibility for high school competitive athletics to the TSSAA. Each year we reiterate this relationship, and ask the TSSAA for a report on the status of high school athletics. The event also provides an opportunity for you to ask any questions of TSSAA officials on the subject.

D. Report on Legislative Actions of 1989 Tennessee General Assembly

Chuck Cagle will summarize actions of the General Assembly.

* * * *

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: Members, State Board of Education

FROM: C. Brent Poulton
Executive Director

DATE: May 15, 1991

RE: NOTES FOR THE MAY 31, 1991 BOARD MEETING

* * * *

IV. Career Ladder Items

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D. Consideration of Rules and Regulations of the Tennessee Secondary School Athletic Association

Our rules call for an annual consideration by the Board of TSSAA rules and regulations. In effect, this amounts to reaffirmation of the Board's decision to delegate responsibility for management of secondary school athletics to TSSAA.

* * * *

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: Members, State Board of Education

FROM: C. Brent Poulton
Executive Director

DATE: July 12, 1991

RE: NOTES CONCERNING THE JULY RETREAT AND THE JULY 26, 1991 BOARD MEETING

Retreat

Things are shaping up nicely for the retreat. We are sticking to the work plan I shared with you at dinner prior to the May board meeting. In effect, we will be focusing on the "high nails" of the reform program and organizing ourselves to see that these key elements are achieved.

I've attached a schedule for the retreat. Note that our retreat work will begin at dinner on Wednesday evening at the Stouffer Hotel and conclude prior to dinner on Thursday. We will spend Thursday evening as dinner guests of TSSAA. (We can thank TSSAA for helping with the expenses of the retreat.)

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SBE RETREAT
July 24-25, 1991

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SCHEDULE:

Thurs., July 25, 1991	8:00 a.m.	Depart Stouffer for Shadowbrook (approx.) 30 minute travel time.

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5:45 p.m.	Meet TSSAA officials.
6:00 p.m.	Dinner.

* * * *

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: Members, State Board of Education

FROM: C. Brent Poulton /s/ C. Brent Poulton
Executive Director

DATE: March 13, 1992

RE: NOTES FOR THE MARCH 27, 1992 BOARD MEETING

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V. Other Items

A. Consideration of Current Rules and Regulations of the Tennessee Secondary Schools Athletic Association

Each year we ask the Tennessee Secondary Schools Athletic Association (TSSAA) to present their rules and regulations for blanket approval by the State Board of Education. This is somewhat ceremonial, though important as a means of reminding the world that TSSAA works as an agent on behalf of the State Board of Education. We have asked Bob Baldridge to characterize changes in regulations which have occurred over the past year, and also to identify issues regarding athletics which the TSSAA is currently concerned.

* * * *

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: Members, State Board of Education

FROM: C. Brent Poulton /s/ Brent

DATE: March 20, 1992

RE: Additional Materials for March 27, 1992 Board Agenda

Enclosed are the following additional materials for the March 27, 1992, Board agenda which I indicated in my previous notes would be sent to you at this time:

1. Draft of School Board Training Academy Plan
2. Draft of Tennessee Executive Development Program Plan
3. TSSAA Rules and Regulations
4. Executive Summary of Amended Adult Education State Plan

Please put these with your other agenda materials to bring to the meeting.

CB:KN:lv
Enclosure
cc: SBE Staff

SBE Attachment V.A.

Item V.A.: Current Rules and Regulations of the Tennessee Secondary School Athletic Association

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Background:

Rule 0520-1-2-.08 of the revised Rules, Regulations and Minimum Standards of the State Board of Education recognizes and designates the Tennessee Secondary School Athletic Association (TSSAA) as the organization to supervise and regulate the athletic activities in which the public junior and senior high schools of Tennessee participate on an interscholastic basis. The State Board of Education also annually approves the current TSSAA rules and regulations.

A TSSAA staff member will present the rules and regulations and address any questions regarding TSSAA activities.

Recommendation:

The staff of the State Board of Education recommends the approval of the current TSSAA rules and regulations.

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: Members, State Board of Education

FROM: C. Brent Poulton /s/ C. Brent Poulton
Executive Director

DATE: May 12, 1993

RE: Notes for May 21, 1993 Board Meeting

* * * *

III.B. TSSAA Rules and Regulations

Competitive athletics is a big part of the high school experience. The Tennessee Secondary School Athletic Association (TSSAA) manages these activities as sanctioned by the State Board of Education. This annual report keeps members informed of issues and changes in TSSAA policies.

* * * *

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: State Board of Education Members

FROM: C. Brent Poulton /s/ C. Brent Poulton/pc
Executive Director

DATE: February 3, 1995

RE: Notes for the Upcoming SBE Meeting – February 14-15, 1995

* * * *

IV.G. TSSAA Designation

We need to modify the language of our regulations pertaining to the relationship of the State Board of Education and the TSSAA. Our current regulation implies that the State Board of Education adopts the regulations of the TSSAA as State Board rules. In fact, TSSAA is an independent entity which creates its own rules. The proposed change in our regulation states properly the relationship of the two organizations.

* * * *

State Board of Education
February 15, 1995

Agenda
Other Item IV.G.

Tennessee Secondary School Athletic Association Designation

The Background:

The Tennessee Secondary School Athletic Association (TSSAA) is a not for profit corporation whose purpose is "to stimulate and regulate the athletic relations of the secondary schools in Tennessee." State Board of Education rules designate the TSSAA as the authority to supervise interscholastic athletics among public schools.

Current Board rules call for the Board to annually approve the rules and regulations in the official TSSAA handbook. Some confusion has arisen regarding characterizing TSSAA's internal rules as rules promulgated by the State Board of Education under its statutory authority.

The Proposal:

To clarify the nature of the relationship between the TSSAA, a private entity, and the State Board of Education, changes are proposed in the language of the Board's rules on interscholastic athletics.

The Recommendation:

The SBE staff recommends adoption of the proposed rule.

Proposed Revision: February 15, 1995

Proposed Rule Revision:

Rule 0520-1-2-.08 is amended by deleting in its entirety and replacing it with the following rule:

> The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1050
615-741-2966

MEMORANDUM

TO: State Board of Education Members

FROM: C. Brent Poulton, Executive Director
/s/ CBP

DATE: April 6, 1995

RE: Notes for the Upcoming SBE Meeting – April 18-19, 1995

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III. Rule Revisions

* * * *

E. TSSAA Designation

This is the same proposition that was included in last month's agenda. Our interest is in making our rules consistent with the reality of TSSAA being an independent, self-governed corporation. Our present rule leaves room for the impression that the State Board of Education has authority to modify TSSAA regulations, which is not the case. We're anxious to make this modification to avoid unnecessary involvement in TSSAA disputes.

State Board of Education **Agenda**
April 19, 1995 **Rule Revisions Item IV.E.**

Tennessee Secondary School Athletic Association Designation

The Background:

The Tennessee Secondary School Athletic Association (TSSAA) is a not for profit corporation whose purpose is "to stimulate and regulate the athletic relations of the secondary schools in Tennessee." State Board of Education rules designate the TSSAA as the authority to supervise interscholastic athletics among public schools. Current board rules also call for annual approval of the rules and regulations in the official TSSAA handbook.

The Proposal:

Due to the nature of the relationship between the TSSAA, a private entity, and the State Board of Education, changes are proposed in the language of the Board's rules on interscholastic athletics. Some confusion has arisen regarding characterizing TSSAA's internal rules as rules promulgated by the State Board of Education under its statutory authority.

The Recommendation:

The SBE staff recommends adoption of the proposed rule.

Proposed Rule Revision: April 19, 1995

RULE REVISION:

Rule 0520-1-2-.08 is amended by deleting in its entirety and replacing it with the following rule:

> The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

MINUTES
STATE BOARD OF EDUCATION
STATE BOARD OF VOCATIONAL EDUATION
MONTHLY MEETING
AUGUST 24, 1984

* * * *

ITEM

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XXII TENNESSEE STATE SCHOOL ATHLETICS ASSOCIATION (TSSAA)

Mr. Gill GIDEON briefed the Board regarding the goals, purposes and procedures of the TSSAA. In response to SWAIN's question, GIDEON noted that [sic] soccer is not currently sanctioned by the TSSAA, but with the growing popularity of the sport, it is likely to be sanctioned in the near future.

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MINUTES
STATE BOARD OF EDUCATION
MAY 27, 1988

MEETING CALLED TO ORDER

The State Board of Education met in Room C1-124 of the Cordell Hull Bldg., Nashville, Tennessee, on May 27, 1988. Chairman Nelson ANDREWS called the meeting to order at 9:00 a.m.

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III. OTHER ITEMS

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H. REVIEW OF TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION RULES

Chuck CAGLE, SBE staff member, reviewed the status of Tennessee Secondary Schools Athletic Association, (TSSAA) with regard to Board rules. In 1984 the Board delegated to TSSAA the authority to promulgate rules relative to secondary school athletic events. That action called for a periodic review and approval of the operational authority delegated to TSSAA. The staff of the State Board of Education conducted the review and recommended that the TSSAA rules be approved and the TSSAA be designated to continue as the agency to govern secondary athletics for the Board.

ACTION: KEMP moved approval of the review of TSSAA rules and the continued designation of the TSSAA to govern athletics in Tennessee secondary schools. BOND seconded. ROLL CALL VOTE. MOTION PASSED UNANIMOUSLY.

* * * *

MINUTES
STATE BOARD OF EDUCATION
MAY 31, 1991

MEETING CALLED TO ORDER

The State Board of Education met in the offices of the State Board of Education; Nashville, Tennessee, on May 31, 1991. Chairman Nelson Andrews convened the meeting at 8 a.m.

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IV. CAREER LADDER AND OTHER ITEMS

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D. Consideration of Current Rules and Regulations of the Tennessee Secondary School Athletic Association

Bob BALDRIDGE, Associate Director of the Tennessee Secondary School Athletic Association, made a presentation on the current status of participation in secondary school athletic programs. He noted that over 90,000 students in grades 9-12 participate. Of those participating, 1/3 are girls and 2/3 are boys. In addition, a large number of students at the seventh and eighth grade level participate in middle school and junior high programs which are not directly regulated by TSSAA. The TSSAA organization has a budget of approximately $1 million and 330 high schools as members. He noted the advantages of TSSAA membership to schools in providing catastrophic insurance at a group rate which is more affordable than each individual school obtaining a policy.

BALDRIDGE noted that the main functions of TSSAA are in providing officials, setting the expectations for control of athletic events, and determining eligibility of student athletes. TSSAA rules also require that schools be in session in order for their students to participate in athletic events. This requirement has served as an incentive for many communities to finalize local school system budgets and to begin school in a timely fashion each fall.

Bob BYRD, SBE member, inquired about the procedures used by TSSAA in determining the site for state championship events in football and basketball. Bob BALDRIDGE reviewed the process used in determining the preference of member schools for the location of the state tournament events.

ACTION: Dick RAY moved approval of the current rules for TSSAA. Cynthia BOND seconded. ROLL CALL VOTE. MOTION PASSED UNANIMOUSLY.

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STATE BOARD OF EDUCATION UPDATE

State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1030
(615) 741-2966
Nelson Andrews, Chairman
C. Brent Poulton, Exec. Director

The State Board of Education met on Friday, May 31, 1991. If you have any questions or would like to request copies of agenda items or reports approved by the Board, please call the State Board of Education office at (615) 741-2966.

* * * *

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION. The Board approved the current rules and regulations of the Tennessee Secondary School Athletic Association. TSSAA officials also provided the Board with a report on current levels of participation by students in interscholastic athletic programs and areas of continuing activity and concern for secondary athletic programs within the state.

* * * *

FOR IMMEDIATE RELEASE

Contract:
Ken Nye
State Board of Education
(615) 741-2966

State of Tennessee
State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1030
615-741-2966

STATE BOARD OF EDUCATION MEETS

NASHVILLE, Tennessee – The State Board of Education will convene for a regular meeting on Friday, March 27, 1992.

* * * *

The State Board of Education will also receive other reports and consider additional items at the meeting which will include: (1) new licensure standards for principals, (2) the annual plans for the School Board Training Academy for local school board members and the Tennessee Executive Development Program for superintendents, (3) the annual report on teacher candidate test results, (4) the rules and regulations of the Tennessee Secondary School Athletic Association, and (5) the six-year program plan for Adult Basic Education in Tennessee.

MINUTES
State Board of Education
March 27, 1992

MEETING CALLED TO ORDER

The State Board of Education met in the offices of the State Board of Education, Nashville, Tennessee, on March 27, 1992. Chairman Nelson Andrews convened the meeting at 8:00 a.m.

* * * *

V. OTHER ITEMS

A. Consideration of Current Rules and Regulations of the Tennessee Secondary Schools Athletic Association

Bob BALDRIDGE, Associate Executive Director for the Tennessee Secondary Schools Athletic Association (TSSAA), provided a report to the Board and reviewed the current status of the TSSAA Rules and Regulations. The current areas of activity and issues involved in secondary school athletic programs include the interest of middle schools in being regulated by TSSAA, the proposal by some public schools for separate state tournaments for private schools, the "red-shirting" of students during the middle grades, the resident requirement of students with divorced parents who reside in different school zones or districts, and the classification of schools. BALDRIDGE concluded his report by inviting board members to attend any TSSAA sponsored events or tournaments. He noted the high

attendance at the recent state basketball tournaments for both girls and boys teams.

ACTION: Dick RAY moved approval of the rules and regulations of the Tennessee Secondary Schools Athletic Association. Bill SWAIN seconded. ROLL CALL VOTE. MOTION PASSED UNANIMOUSLY.

Adjourned: 11:00

* * * *

STATE BOARD OF EDUCATION UPDATE

State Board of Education
400 Deaderick Street
Suite 200, Citizens Plaza
Nashville, Tennessee 37243-1030
(615) 741-2966
Nelson Andrews, Chairman
C. Brent Poulton, Exec. Director

The State Board of Education met on Friday, March 27, 1992. If you have any questions or would like to request copies of agenda items or reports approved by the Board, please call the State Board of Education office at (615) 741-2966.

* * * *

CURRENT RULES AND REGULATIONS OF THE TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION. The Board approved the current rules and regulations of the Tennessee Secondary Schools Athletic Association. TSSAA officials also provided the State Board of Education with a report on current areas of activity and issues involved in secondary school athletic programs in Tennessee. These areas include the interest of middle schools in being regulated by TSSAA, the proposal from some public schools for separate state tournaments for private schools, the "red-shirting" of students during the middle grades, the resident requirement for students with divorced parents who reside in different school zones or districts, and the classification of schools.

* * * *

MINUTES
State Board of Education
July 29, 1994

MEETING CALLED TO ORDER

The State Board of Education met on July 29, 1994 in Nashville, Tennessee, in the offices of the State Board of Education.

* * * *

VI. Other Items

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h. Remarks by Ronnie Carter, TSSAA

Brent Poulton, SBE Executive Director, said the Board invited Ronnie Carter, Executive Director of the Tennessee Secondary Schools Athletic Association (TSSAA) to comment on its lack of minority hiring on the TSSAA staff.

Ronnie Carter reviewed the history of the TSSAA organization. He said the organization currently employs four administrative staff and six support staff. The organization is controlled by a nine member board representing the member schools. Two of the TSSAA Board members are minority individuals. Overall, the association annually deals with budget limitations which restrict hiring opportunities, along with a history of limited turnover in positions. In January of this year, the TSSAA Board took action to look at the employment of an additional staff position and indicated that the position should be filled with a minority individual.

Carter noted that 67% of TSSAA's budget is composed of receipts from the state football playoffs and the state basketball tournaments. The receipts from both these major events are annually affected by weather. He also noted that the recent interest of middle schools in developing a more formal relationship with TSSAA had led to an affiliate relationship with middle school athletic association for those schools who are concerned with rules, liability, and the proliferation of locally sponsored middle school tournaments. This interest by Middle Schools in becoming TSSAA members is an area where the expansion of staff will likely occur.

Board member Byrd comments on the Board's overall concern that TSSAA reflect hiring practices which are the same as those expected for local schools.

Chairman Ray requested Carter to provide the Board with an update at the Board's September Board meeting as to the progress being made by TSSAA in resolving this issue.

Board member Beasley asked about the current activities of middle schools. She expressed her concern that middle school programs should be devoted to the participation of all students in intramurals and less concerned with competitive athletics.

The Board adjourned and then reconvened in a meeting of the Board of Directors for the Tennessee Volunteer Public Education Trust Fund Foundation.

* * * *

MINUTES
STATE BOARD OF EDUCATION
SEPTEMBER 29, 1994

MEETING CALLED TO ORDER:

The State Board of Education met in the small assembly room for the city/county building in Knoxville, Tennessee on September 29, 1994.

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VII. Other Items

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d. Remarks from TSSAA

Bob Baldridge, associate executive director for TSSAA, updated the Board on TSSAA's employment practices. He noted the association's ongoing difficulties in maintaining sufficient revenues which would allow the organization to expand its current number of staff positions such that, pending any staff turnover, minority candidates could be considered for vacant staff positions.

Hosea Hill from Memphis, Tennessee spoke about TSSAA's hiring practices. He provided the Board with a number of documents and discussed the history of the questions raised with regard to the employment of minority individuals by TSSAA.

Bob Byrd, SBE member, indicated his ongoing concern that TSSAA rectify this situation. He noted the assurances provided to the Board at both this and the July meeting that the problem would be resolved within the next year or two as sufficient funding is obtained by the organization.

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MINUTES
STATE BOARD OF EDUCATION
MARCH 14, 1995

MEETING CALLED TO ORDER

The State Board of Education met in its offices on March 14, 1995.

III.e. TSSAA Designation

Patrick Smith, SBE staff, presented the item for information and said item should be deferred for action until the Board's April meeting.

* * * *

State Board of Education
March 14, 1995

Agenda
Other Item III.E.

Tennessee Secondary School Athletic Association Designation

The Background:

The Tennessee Secondary School Athletic Association (TSSAA) is a not for profit corporation whose purpose is "to stimulate and regulate the athletic relations of the secondary schools in Tennessee." State Board of Education rules designate the TSSAA as the authority to supervise interscholastic athletics among public schools. Current board rules also call for annual approval of the rules and regulations in the official TSSAA handbook.

The Proposal:

Due to the nature of the relationship between the TSSAA, a private entity, and the State Board of Education, changes are proposed in the language of the Board's rules on interscholastic athletics. Some confusion has arisen regarding characterizing TSSAA's internal rules as rules promulgated by the State Board of Education under its statutory authority.

The Recommendation:

The SBE staff recommends adoption of the proposed rule.

Proposed Revision: March 14, 1995

PROPOSED RULE REVISION:

Rule 0520-1-2-.08 is amended by deleting it in its entirety and replacing it with the following rule:

The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

MINUTES
STATE BOARD OF EDUCATION
APRIL 19, 1995

The State Board of Education met in its offices on April 19, 1995.

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IV.E. TSSAA Designation

Patrick Smith, SBA staff attorney, presented the recommendation for a rule revision to clarify the Board's relationship with the Tennessee Secondary Schools Athletic Association (TSSAA).

Minnie Bommer, SBE member, asked if TSSAA membership is voluntary.

Brent Poulton, SBE executive director, said the current rule implies that the Board can change TSSAA rules when in fact the Board does not have that authority. The recommended revision would reflect the reality of the Board's authority regarding the operations of TSSAA.

Smith said in recent court decisions the state does carry liability and that this revision would make clear the relationship of the Board to TSSAA.

Bommer asked if the Board needs to work further to define its relationship with TSSAA.

Poulton said the Board's relationship to TSSAA would be reviewed by Board staff during the coming year.

ACTION: Bob Byrd moved approval of the rule revision. Fielding Rolston seconded. Roll call vote. Motion passed with one no and one abstention.

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State Board of Education
April 19, 1995

Agenda
Other Item IV.E.

Tennessee Secondary School Athletic Association Designation

The Background:

The Tennessee Secondary School Athletic Association (TSSAA) is a not for profit corporation whose purpose is "to stimulate and regulate the athletic relations of the secondary schools in Tennessee." State Board of Education rules designate the TSSAA as the authority to supervise interscholastic athletics among public schools. Current board rules also call for annual approval of the rules and regulations in the official TSSAA handbook.

The Proposal:

Due to the nature of the relationship between the TSSAA, a private entity, and the State Board of Education, changes are proposed in the language of the Board's rules on interscholastic athletics. Some confusion has arisen regarding characterizing TSSAA's internal rules as rules promulgated by the State Board of Education under its statutory authority.

The Recommendation:

The SBE staff recommends adoption of the proposed rule.

Proposed Revision: April 19, 1995

RULE REVISION:

Rule 0520-1-2-.08 is amended by deleting it in its entirety and replacing it with the following rule:

> The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
Hermitage, Tennessee
January 11, 1990

* * * *

ATTENDANCE RECORD

The TSSAA Board of Control met at TSSAA building on January 11, 1990. The session was called to order by Chairman Hardy Loyd at 10:00 a.m. The following members of the Board of Control were present: Hardy Loyd, Tom Fann, Norman Dillon, Emmitt Simon, Mike Reed, A. D. Hancock, Jim Poteete, Jimmy Ellis, and Clint Abbott. Mr. Bill Stanfield, Chairman of the Legislative Council, and Mr. Chuck Cagle of the State Board of Education were also present. The state office was represented by Ronnie Carter, Bob Baldridge, and Gene Beck.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
March 22, 1990
Murfreesboro, Tennessee

* * * *

ATTENDANCE RECORD

The TSSAA Board of Control met at the Garden Plaza Hotel in Murfreesboro on March 22, 1990. The session was called to order by Chairman Hardy Loyd at 8:00 a.m. The following members of the Board of Control were present: Hardy Loyd, Norman Dillon, Emmitt Simon, Jimmy Ellis, A. D. Hancock, Jim Poteeete, Clint Abbott, Mike Reed, and Johnny Williams. Mr. Bill Stanfield, Chairman of the Legislative Council; Mr. Chuck Cagle of the State Board of Education, and Mr. Dan Tollett of the State School Boards Association were also present. The state office was represented by Ronnie Carter, Bob Baldridge, and Gene Beck.

* * * *

MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
June 8-9, 1991
Pigeon Forge, Tennessee

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ATTENDANCE RECORD

The TSSAA Board of Control met in Pigeon Forge, Tennessee on June 8 - 9, 1991. The meeting was called to order by President A. D. Hancock at 2:00 p.m. The following members of the Board of Control were present: Mr. Mike Reed, Mr. Clint Abbott, Mr. Norman Dillon, Mr. Jimmy Ellis, Mr. A. D. Hancock, Mr. Gene Trotter, Mr. Jim Poteete, Mr. Johnny Williams and Mr. Emmitt Simon. Also in attendance were Mr. Gordon Perry, Chairman of the Legislative Council; Mr. Chuck Cagle of the State Board of Education and Mr. Jim Cartwright of the Tennessee Athletic Coaches' Association. The state office was represented by Ronnie Carter, Bob Baldridge and Gene Beck.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
Murfreesboro, Tennessee
March 19, 1992

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ATTENDANCE RECORD

The TSSAA Board of Control met at the Garden Plaza Hotel in Murfreesboro, Tennessee on March 19, 1992. The session was called order at 8:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, A. D. Hancock, Gene Trotter, Johnny Williams, John Sammons, and Harry Durham. Also present were ex officio members Gordon Perry, President of the Legislative Council; Chuck Cagle, representing the Tennessee School Boards Association; Kimberly Whaley, representing the State Board of Education; and Jim Cartwright, representing the Tennessee Athletic Coaches Association.

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MINUTES OF THE BOARD OF CONTROL

Knoxville, Tennessee
Tennessee Secondary School Athletic Association
June 19, 1992

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ATTENDANCE RECORD

The TSSAA Board of Control met at the Hyatt Regency in Knoxville, Tennessee on June 19, 1992. The session was called to order at 9:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, A. D. Hancock, Gene Trotter, Johnny Williams, John Sammons, and Harry Durham. Also present were Gordon Perry, President of the Legislative Council, Chuck Cagle of the Tennessee School Boards Association, Kimberly Whaley of the State Board of Education, and members of our staff.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
August 29, 1992
Hermitage, Tennessee

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ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building in Hermitage, Tennessee on August 29, 1992. The session was called to order at 9:00 a.m. The following: Tennessee on June 19, 1992. The session was called to order at 9:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, Gene Trotter, Johnny Williams, John Sammons, and Harry Durham. Also present were Gordon Perry, President of the Legislative Council, Chuck Cagle of the Tennessee School Boards Association, Kimberly Whaley of the State Board of Education, and Jim Cartwright of the TACA, and members of our staff.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
November 4, 1992
Hermitage, Tennessee

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ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building on November 4, 1992. The meeting was called to order by Clint Abbott, Chairman, at 9:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, Gene Trotter, Johnny Williams, and John Sammons. Also present were Chuck Cagle, Tennessee School Boards Association; Ernestine McWherter, Tennessee Organization of School Superintendents; Kimberly Whaley, State Board of Education; Jim Cartwright, Tennessee Athletic Coaches Association; Gordon Perry, President of the Legislative Council; and members of our staff.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
November 29-30, 1992
Hermitage, Tennessee

* * * *

ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building on Sunday night, November 29, 1992, at 7:00 p.m. The meeting was called to order by Clint Abbott, Chairman. The following members of the Board of Control were present: Mike Reed, John Dixon, Morris Rogers, Gene Trotter, Dick Seay, Harry Durham, Johnny Williams, and John Sammons. Also in attendance were Chuck Cagle, Tennessee School Boards Association; Kimberly Whaley, State Board of Education; Ernestine McWherter, Tennessee Organization of School Superintendents; Jim Cartwright, Tennessee Athletic Coaches Association; Gordon Perry, President of the Legislative Council; and members of the TSSAA staff.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
January 14, 1993
Hermitage, Tennessee

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ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building on January 14, 1993. The meeting was called to order by President Clint Abbott, Chairman, at 10:00 a.m. The following members of the Board of Control were present: Clint Abbott, Mike Reed, John Dixon, Morris Rogers, Gene Trotter, Johnny Williams, John Sammons, Harry Durham, and Dick Seay. Also in attendance were Gordon Perry, President of the Legislative Council; Chuck Cagle, Tennessee School Boards Association; Kimberly Whaley, State Board of Education; Jim Cartwright, Tennessee Athletic Coaches Association; and Gene Steve Hammond, Tennessee Association of Independent Schools. Members of the state office staff present were: Ronnie Carter, Bob Baldridge, Gene Beck, and Gene Menees.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
Hermitage, Tennessee
March 18, 1993

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ATTENDANCE RECORD

The TSSAA Board of Control met at the Garden Plaza Hotel in Murfreesboro, Tennessee on March 18, 1993. The session was called to order at 8:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, Richard Seay, Gene Trotter, Jim Poteete, John Sammons, and Harry Durham. Also present were Gordon Perry, President of the Legislative Council; Chuck Cagle, representing the Tennessee School Board Association; Dr. Brent Poulton, representing the State Board of Education; and Steve Hammond, representing the Tennessee Association of Independent Schools. In addition, Jim Phifer, Billy Joe Evans, Pete Stafford, David Daniels, and George Williams, members of the Legislative Council, were present.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
Hermitage, Tennessee
June 30, 1993

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ATTENDANCE RECORD

The Board of Control met at the TSSAA Building in Hermitage, Tennessee on June 30, 1993. The session was called to order at 10:00 a.m. The following members of the Board of Control were present: Mike Reed, Clint Abbott, John Dixon, Morris Rogers, Gene Trotter, John Sammons, and Harry Durham. Also present were Gordon Perry, President of the Legislative Council; Chuck Cagle, representing the Tennessee School Board Association; and Patrick Smith, representing the State Board of Education. Also present from the state office staff were Gene Beck, Gene Menees, Bob Baldridge, and Ronnie Carter.

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MINUTES OF THE BOARD OF CONTROL

Hermitage, Tennessee
Tennessee Secondary School Athletic Association
August 28, 1993

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ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building in Hermitage, Tennessee on August 28, 1993. The session was called to order at 9:00 a.m. The following members of the Board of Control were present: Clint Abbott, President, John Dixon, Harry Durham, Jim Poteete, Mike Reed, Morris Rogers, and Gene Trotter. Also present were Gordon Perry, President of the Legislative Council; Chuck Cagle of the Tennessee School Boards Association; and Patrick Smith of the State Board of Education; Jim Cartwright of the TACA; and Steve Hammond, representing the Tennessee Association of Independent Schools. Present from the TSSAA staff were Ronnie Carter, Bob Baldridge, Gene Beck, Gene Menees, and Wanda Belt.

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MINUTES OF THE BOARD OF CONTROL

Tennessee Secondary School Athletic Association
November 3, 1993
Hermitage, Tennessee

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ATTENDANCE RECORD

The TSSAA Board of Control met at the TSSAA Building on November 3, 1993. The meeting was called to order by Clint Abbott, Chairman, at 9:00 a.m. The following members of the Board of Control were present: Clint Abbott, John Dixon, Harry Durham, Jim Poteete, Mike Reed, Morris Rogers, and Gene Trotter. Also present were Gordon Perry, President of the Legislative Council; Chuck Cagle, Tennessee School Boards Association; Ernestine McWherter, Tennessee Organization of School Superintendents; Patrick Smith, State Board of Education; Jim Cartwright, Tennessee Athletic Coaches Association; Steve Hammond, Tennessee Association of Independent Schools; Scott Brunette, Athletic Director, Metropolitan-Nashville Public Schools; and Ronnie Carter, Bob Baldridge, Gene Beck, Gene Menees, and Wanda Belt of the TSSAA staff.

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MINUTES OF BOARD OF CONTROL MEETING

Henry Horton State Park
June 18–19, 1996

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ATTENDANCE RECORD

The Board of Control met at Henry Horton State Park on June 18-19, 1996. The session was called to order at 8:00 a.m. on June 18 and reconvened at 8:00 a.m. on June 19. The following members of the Board of Control were present: Mike Reed, President, James Armstrong, Lynn Brown, John Dixon, Mckey Dunn, Harry Durham, Fred Kessler, Sam Miles, and Morris Rogers. Also present were Gordon Perry, president of the Legislative Council; Scott Brunette, Tennessee High School Athletic Administrators Association; Steve Hammond, Tennessee Association of Independent Schools; Ernestine McWherter, Tennessee Organization of School Superintendents; Patrick Smith, Tennessee School Boards Association; and J.V. Sailors, State Board of Education. Members of the state office staff present were Ronnie Carter, Bob Baldridge, Gene Beck, Gene Menees, Bernard Childress, and Wanda Belt.

MINUTES OF THE BOARD OF CONTROL

Falls Creek Falls State Park
June 11–12, 1997

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ATTENDANCE RECORD

The Board of Control met at Fall Creek State Park on June 11-12, 1997. The session was called to order at 8:00 a.m. on June 11 and reconvened at 8:00 a.m. on June 23. The following members of the Board of Control were present: Mike Reed, President, Harry Durham, Vice President, Lynn Brown, John Dixon, Mickey Dunn, Mike Hammond, Fred Kessler, Sam Miles, and Morris Rogers. Also present were Gordon Perry, President of the Legislative Council; Scott Brunette, Tennessee High School Athletic Administrators Association; James Swain, State Department of Education; J.V. Sailors, State Board of Education; Patrick Smith, Tennessee School Boards Association; Gary Nixon, State Board of Education. Members of the state office staff present were Ronnie Carter, Bob Baldridge, Gene Beck, Bernard Childress, Larry Taft, Trina Melton and Wanda Belt.

MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
March 23, 1990
Murfreesboro, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the Garden Plaza Hotel in Murfreesboro on March 23, 1990. The session was called to order by Chairman William Stanfield at 8:00 a.m. The following members of the Legislative Council were present: William Stanfield, Raybon Moore, Jim Phifer, George Williams, Billy Joe Evans, John Dixon, Gordon Perry, Kenneth Jackson, Pete Stafford. Mr. Hardy Loyd, Chairman of the Board of Control, and Mr. Chuck Cagle of the State Board of Education were also present. The state office was represented by Ronnie Carter, Bob Baldridge, and Gene Beck.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
March 22, 1991
Murfreesboro, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the Garden Plaza Hotel in Murfreesboro on March 22, 1991. The session was called to order by Vice Chairman Jim Phifer. The following members of the Legislative Council were present: John Dixon, Billy Joe Evans, Kenneth Jackson, Raybon Moore, Jim Neely, Pete Stafford and George Williams. Also in attendance representing the State Board of Education was Mr. Chuck Cagle. Representing the Board of Control were Jim Poteete, Mike Reed, Clint Abbott, Norman Dillon, Jimmy Ellis, Johnny Williams and Emmitt Simon.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
March 20, 1992
Murfreesboro, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the Garden Plaza Hotel in Murfreesboro on March 20, 1992. Members of the Legislative Council present were: John Dixon, Pete Stafford, Jim Phifer, Billy Joe Evans, Jim Neely, Kenneth Jackson, Raybon Moore, Gordon Perry and George Williams. Also present were A.D. Hancock, President of the Board of Control . . . Kimberly Whaley, State Board of Education; and Jim Cartwright, Tennessee Athletic Coaches Association. Members of the staff were also present.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
May 8, 1992
Hermitage, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the TSSAA Building in Hermitage, Tennessee on May 8, 1992. Members of the Legislative Council present were: John Dixon, Pete Stafford, Jim Phifer, Billy Joe Evans, Kenneth Jackson, Gordon Perry, Raybon Moore, and George Williams. Also present were A. D. Hancock, President of the Board of Control . . . Kimberly Whaley, State Board of Education. Ronnie Carter, Bob Baldridge, Gene Beck, and Gene Menees of the TSAA staff were also present.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
December 9, 1992
Hermitage, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the TSSAA Building in Hermitage, Tennessee on December 9, 1992. Members of the Legislative Council present were: John Dixon, Pete Stafford, Jim Phifer, Billy Joe Evans, Kenneth Jackson, Gordon Perry, Raybon Moore, and George Williams. Also present were . . . Kimberly Whaley, State Board of Education; Chuck Cagle, Tennessee School Boards Association. Ronnie Carter, Bob Baldridge, Gene Beck, and Gene Menees of the TSSAA staff were also present.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
March 19, 1993
Murfreesboro, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at the Garden Plaza Hotel in Murfreesboro, Tennessee on March 19, 1993. Members of the Legislative Council present were: John Dixon, Pete Stafford, Jim Phifer, Billy Joe Evans, Jim Neely, David Daniel, Raybon Moore, Gordon Perry, and George Williams. Also present were . . . Chuck Cagle, Tennessee School Board Association; and Dr. Brent Poulton, State Board of Education. Board of Control members who were present were: Mike Reed, John Dixon, Morris Rogers, Dick Seay, Jim Poteete, John Sammons, and Harry Durham.

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MINUTES OF THE LEGISLATIVE COUNCIL

Tennessee Secondary School Athletic Association
December 5, 1996
Nashville, Tennessee

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ATTENDANCE

The TSSAA Legislative Council met at Baptist Hospital in Nashville, Tennessee on December 5, 1996. Members of the Legislative Council present were: Gordon Perry, President, David Daniel, John Dixon, Billy Joe Evans, Ed Foster, Sonny Hicks, Jean Litterer, Pete Stafford, and Steve Wilkinson. Also present were . . . Gary Nixon, State Board of Education; and James Swain, State Department of Education. Ronnie Carter, Bob Baldridge, Gene Beck, Gene Menees, Bernard Childress, and Wanda Belt were present from the TSSAA staff.

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TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION

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EX OFFICIO MEMBERS OF BOARD OF CONTROL AND LEGISLATIVE COUNCIL

State Board of Education	Gary Nixon/J.V. Sailor
State Department of Education	Jim Swain/Jane Walters
TN School Boards Association	George Nerren/ Patrick Smith
TN Organization of School Superintendents	Ernestine McWherter
TN Athletic Coaches Association	Jim Cartwright
TN Association of Independent Schools	Barbara Dausch
TN High School Athletic Administrators Association	Scott Brunette

* * * *

Last Modified February 10, 1998

IN THE UNITED STATES DISTRICT COURT
FOR TITLE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**No. 3-97-1249**
TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,	)	**Judge Campbell**
	)	**Magistrate Judge**
	)	**Haynes**
	)	
	)	
	)	
Defendants.	)	
	)	

AFFIDAVIT OF RONNIE CARTER

Ronnie Carter, being first duly sworn, upon his oath deposes and says:

1. My name is Ronnie Carter and I reside at 1544 McMahon Hollow Road, Pleasantview, Tennessee. I am the Executive Director of the Tennessee Secondary School Athletic Association ("TSSAA") and have served in this capacity since 1986. I am elected by the members of the Board of Control of TSSAA for a term of three years and my duties are set forth in Article V of the Constitution of TSSAA.

2. Attached is a compilation which I have made of the history of the TSSAA Recruiting Rule, contained in

the Constitution and By Laws of the TSSAA, as set forth in the TSSAA's handbook. The guidelines for interpreting the Recruiting Rule were developed and promulgated by the Legislative Council in 1992. The Committee which drafted the guidelines included Jim Phifer, Principal of Notre Dame School, a parochial school in Chattanooga.

3. The revenues of TSSAA are derived from State tournaments and championship playoffs. TSSAA receives no funds from any regular season interscholastic contests between member schools, regardless of the sport or the location of the event. During the 1997-98 school year, the membership dues paid to TSSAA by its member schools, whether public, private or parochial, amounted to approximately $70,000.00. During the same period, TSSAA received from total revenues of 1.6 million dollars, the majority of which come from gate receipts of tournaments and playoffs.

4. I have prepared a tabulation of the sites of post-season play off and tournament events for sports which TSSAA sanctions, golf, soccer, volleyball, cross-country, football, basketball, wrestling, baseball, softball, tennis and track, for the school years 1995-96, 1996-97, and 1997-98. The tabulation for all of these secondary school athletic contests for the three academic years is as follows:

1995-96		
Public Sites	300	Private Sites 74
1996-97		
Public Sites	301	Private Sites 89
1997-98		
Public Sites	225	Private Sites 52

For the three year period, of the 1,071 post-season, championship and playoff events, 827 were conducted at

public facilities and 244 were held at private or parochial schools. Thus, 28 percent of the post-season tournament games were held at the facilities of private or parochial member schools. At the district and regional levels of post-season tournament and playoff competition, the member schools select their own tournament sites. TSSAA has no involvement in the selection of these sites.

5. Where TSSAA utilizes public facilities, stadiums, gyms or grounds, government owned and utilized for state tournament play or playoffs, such as the Murphy Center on the campus of Middle Tennessee State University at Murfreesboro, (where TSSAA conducts its state basketball championships) TSSAA is required to enter into a written agreement with MTSU in order to be able to use the facility. Under this Agreement, TSSAA is required to register with the Sales Tax Division of the Tennessee Department of Revenue and must pay all applicable amusement sales taxes. Also, TSSAA must furnish proof of insurance, as required by the policies of the State Board of Regents of the university and community college system of Tennessee for private used or the facilitiy. Furthermore, TSSAA must agree to indemnify and hold MTSU harmless from all liabilities arising out of the use of the Murphy Center. For the "Spring Fling", the state championship tournaments in spring sports, i.d. track etc., TSSAA takes the bids from cities wishing to host the event and the host city provides, in its bid, that the sites for the tournament event or playoff.

FURTHER AFFIANT SAITH NOT.

/s/ Ronnie Carter
Ronnie Carter

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and subscribed
before me, this 29th day of June, 1998.

/s/ Tammy S. Swann
Notary Public

My Commission Expires: 5/27/2001

[Exhibit A]

HISTORY OF THE "RECRUITING RULE"

In 1925, the Tennessee Secondary School Athletic Association was formed.

In 1935, the first recruiting rule was developed and it stated:

> "The use of undue influence by anyone in causing a student to transfer from one school to another for athletic purposes shall render the student ineligible for twelve months, and the school shall be penalized."

In 1951, the phrase . . . "or attempting to cause" was added, making the recruiting rule read:

> "The use of undue influence by anyone in causing, or attempting to cause, a student to transfer from one school to another for athletic purposes shall render the student ineligible for twelve months, and the school shall be penalized."

In 1958-59, the recruiting rule was changed to read:

> "The use of undue influence by any person connected, or not connected, with the school to secure or to retain a student or the parents or guardians of a student for athletic purposes may cause the student to become ineligible and will make the school subject to penalty."

In 1984-85, the phrase "with or without an athletic record" was added, making the rule read:

> "The use of undue influence on a student (with or without an athletic record), his parents or guardians of a student by any person connected, or not connected, with the school to secure or retain a student for athletic purposes shall be a violation of the recruiting rule."

The Questions and Answers of the recruiting rule were also added:

Q. What is the penalty for violation of the recruiting rule?
A. Violation of the recruiting rule shall cause the student to be ineligible at the school in violation, and a penalty shall be placed against the school.

Q. Is it permissible for a coach or teacher to transport an athlete to or from school?
A. No. A coach or teacher who transports an athlete to or from school will cause the athlete to become ineligible and the school will be subject to penalty.

Q. Is it permissible for a coach to contact a student or his parents prior to his enrollment in the school?
A. No, a coach may not contact a student or his parents prior to his enrollment in the school. This shall apply to all students whether or not they have an athletic record.

Q. How is undue influence interpreted in the recruiting rule?

A. A person or persons exceeding what is appropriate or normal and offering an incentive or inducement to a student with or without an athletic record.

In March of 1990, the Legislative Council made a decision regarding the rule and decided the following:

> "That a committee consisting of Bill Stanfield, Gordon Perry, Jim Phifer, and members of the TSSAA staff meet to strengthen the interpretations regarding 'undue influence' under the recruiting rule and strengthen the interpretation made in the questions and answers section regarding this area, and also to look at the entire transfer rule."

In 1990-91, two new questions were added:

Q. What are some of the guides used in determining whether there has been undue influence used which would result in a violation of the recruiting rule?

A. Some examples are, but not limited to:

1. Providing of transportation or other inducement to any prospective student/athlete to take a qualifying examination at school, meet with school officials, etc.
2. Discussion of financial aid based on need with any prospective student/athlete by any member of the coaching staff until the student has enrolled in school (attended 3 days of school). All financial aid questions should be referred to the principal or the person in charge of financial aid. If the person in charge of financial aid is a coach, prior

approval must be granted by the Executive Director of TSSAA.

3. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete enrolled in any member school except where there is a definite feeder pattern.

4. Any initial contact or prearranged contact by a member of the coaching staff or representative of the school and a prospective student/athlete in the seventh grade and above at any non-member school except where there is a definite feeder pattern involving the schools.

   Public high schools may contact public feeder schools (elementary, middle school, junior high school) where there is a definite feeder pattern. Private or parochial schools may contact private schools (elementary, middle school, junior high school) where there is a definite feeder pattern.

   Private or parochial schools may not contact students enrolled at the public schools. Public schools may not contact students enrolled at the private schools.

5. Any contact between a member of the coaching staff or representative of the school and prospective student/athletes prior to, during, or after contests at elementary schools, middle schools, and junior high schools except where there is a definite feeder pattern.

6. A member school is prohibited from giving arty item with school advertisement (shirts, pennants, caps, jackets, etc.)

7. Admitting students to athletic contests free of charge where there is an admission being charged at the contest except where there is a definite feeder pattern involved with the school.

Q. What is allowed by members schools in contacting prospective students?
A. A representative of the school may meet with students at a school that is defined as a feeder school or meet with students who are zoned to attend that school the following year. This visit must be cleared by the principals of both schools.

In 1992-93, the "Guidelines for Understanding the 'Recruiting Rule' and Understanding 'What's Undue Influence?'" was added. It reads:

1. The major theme of the "recruiting rule" is not "initial contact." The major theme is "exceeding what is normal and appropriate." Initial contact can be a violation, but is only one of many things that can exceed what is normal and appropriate.
2. One key is not treating "athletes" or "prospective athletes" any differently than students who are not athletes.
3. Students should be seen as students and not singled out based on their potential athletic ability.
4. Pre-arranged contact is seen in the same manner as initial contact.
5. Any student or family or individual that contacts a coach about attending a school where he or she should be informed that they need to contact the principal, admissions

department, or guidance department if they have an interest.

6. Any meeting with coaches regarding athletes or prospective athletes or their families should be at the request of the family to the individual(s) responsible for admissions and should take place at the school.

7. High school athletics is not the same as colleges recruiting high school athletes for college athletics. High school athletics exist for an entirely different reason. High school coaches should not view 12, 13, 14 year-old students in the same manner as college coaches view high school seniors.

8. Administrators and coaches must realize that they have more responsibilities than the general public to understand the purpose of high school athletics, the principles behind the TSSAA rules etc., and to maintain a level of understanding and purpose when dealing with the general public and students.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	**No. 3-97-1249**
v.	)	**Judge Campbell**
	)	**Magistrate Judge Haynes**
TENNESSEE	)	
SECONDARY SCHOOLS	)	
ATHLETIC ASSOCIATION	)	
and RONNIE CARTER,	)	
Executive Director and	)	
Individually,	)	
	)	
Defendants.	)	

AFFIDAVIT OF JEROME V. SAILORS

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Jerome V. Sailors, being first duly sworn, upon his oath deposes and says:

1. My name is Jerome V. Sailors and I am the Executive Director of the State Board of Education of the State of Tennessee and my office is located on the 9th Floor of the Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37219. I was appointed as Executive Director in January 1996 and assumed my position in April 1996. Before January 1996, I served as Superintendent of the Anderson County, Tennessee School System for seven years.

2. The minutes of the State Board of Education indicate that on August 25, 1972, the State Board of Education adopted the following resolution regarding the Tennessee Secondary School Athletic Association:

RESOLUTION

"WHEREAS, the State Board of Education by deference has recognized since 1925 the functions of the Tennessee Secondary School Association in providing standards, rules and regulations for interscholastic competition in the public schools of Tennessee:

NOW, THEREFORE, BE IT RESOLVED, That the Tennessee State Board of Education recognizes and designates the Tennessee Secondary School Athletic Association as the organization to supervise and regulate the athletic activities in which the public junior and senior high schools of Tennessee participate in on an interscholastic basis. (Junior High Schools must include grade 9 in order to qualify for membership.) The authority granted herein shall remain in effect until revoked.

BE IT FURTHER RESOLVED, That the State Board of Education approves the current rules and regulations as stated in the 1972-73 official handbook of the Tennessee Secondary School Athletic Association and reserves the right to review the appropriateness of any future changes; and

BE IT FURTHER RESOLVED, That the Chairman of the Tennessee State Board of Education shall designate a person or persons to serve in an ex-officio capacity of the Tennessee Secondary School Athletic Association Board of Control and Legislative Council".

The minutes of the State Board of Education indicate that this resolution was unanimously adopted. A copy of the minutes of the August 25, 1972 meeting are attached.

3. I am also attaching a copy of the current regulation of the State Board of Education regarding TSSAA. Rule 0520-1-2-.08 **Interscholastic Athletics** provides:

> (1) The State Board of Education recognizes the value of participating in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association."

The latest revision to this rule was filed on October 31, 1995, effective February 28, 1996. The authority of the Tennessee State Board of Education as authorized by the Tennessee General Assembly is set forth in § 49-1-301 9 et. seq. Tenn. Code Ann. At no point in § 49-1-302 is there any reference to the authority of the State Board of Education to set policies for interscholastic athletics or extra-curricular activities. Apparently, the State Board assumed the responsibility in 1972 when it first addressed this matter but, in my judgment, there is no statutory authority granted to the State Board of Education to recognize, designate, or authorize the Tennessee Secondary School Athletic Association to take any action relevant to coordinating or regulating interscholastic athletic competition in the state of Tennessee.

4. The State Board of Education does not in any way approve or disapprove or act upon any of the TSSAA rules and regulations regarding the regulation of athletic competition between member schools. TSSAA does not submit to the State Board of Education for approval of its rules and regulations nor does the State Board of Education approve, consider, or disapprove the salaries for the Executive Director, the Associate Executive Directors or the staff members of the TSSAA. As far as I know, TSSAA has the authority to purchase real property, buy and sell property, mortgage or encumber property and execute promissory notes, deeds of trust, or mortgages without any approval or consideration by the State Board of Education. Likewise, TSSAA does not submit to nor does the State Board of Education approve any budget of any type for TSSAA's operations. TSSAA does not receive any tax revenues from the State of Tennessee, the State Board of Education, or the Department of Education. Likewise, no member of the State Board of Education attends meetings either of the TSSAA Board of Control or Legislative Council. Any public high school in Tennessee is free to join or refrain from joining TSSAA.

FURTHER AFFIANT SAITH NOT.

/s/ Jerome V. Sailors
Jerome V. Sailors

Sworn to and subscribed before
me this 26th day of June, 1998.

/s/ Phyllis E. Childress

My Commission Expires: January 29, 2000

[Certificate of Service omitted in printing.]

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**No. 3-97- 249**
TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,	)	**Judge Campbell**
	)	**Magistrate Judge**
	)	**Haynes**
	)	
	)	
Defendants.	)	

SECOND AFFIDAVIT OF RONNIE L. CARTER

Ronnie L. Carter, being first duly sworn, upon his oath deposes and says:

(1) My name is Ronnie L. Carter and I am the Executive Director of the Tennessee Secondary School Athletic Association ["TSSAA"] and I have held this position since 1986.

(2) I have examined the membership records of TSSAA and compared them with the attached list of public schools in the State of Tennessee. The following public schools in the State of Tennessee are eligible for full membership in TSSAA but are not members:

North Cleveland Horizon School	Cleveland, Tennessee

Stoney Fork School	Jacksboro, Tennessee
Carroll County Vocational Center	Huntington, Tennessee
Lift Academy Alternative School	Elizabethton, Tennessee
Boys & Girls Club Alternative Learning Center	Nashville, Tennessee
Center for Family & Life	Nashville, Tennessee
Harris-Hillman Special Education School	Nashville, Tennessee
Murphy Alternative Learning Center	Nashville, Tennessee
Hamblen County Alternative School	Nashville, Tennessee
Dawn Handicap School	Chattanooga, Tennessee
Alternative Center for Learning	Knoxville, Tennessee
Knox Adaptive Educational Center	Knoxville, Tennessee
Transition School	Knoxville, Tennessee
Fort Sanders Development Center	Knoxville, Tennessee
The Center School	Knoxville, Tennessee
Reach Academy	Livingston, Tennessee
Dry Valley School	Cookeville, Tennessee
Emory Heights Center	Harriman, Tennessee

Roane Career & Technical Center	Harriman, Tennessee
Daniel McKee Alternative School	Murfreesboro, Tennessee
Alternative Learning Center	Sevierville, Tennessee
Special Learning Center	Sevierville, Tennessee
Pyramid Academy	Memphis, Tennessee
Shrine School	Memphis, Tennessee
E. B. Wilson Night School	Hendersonville, Tennessee
Tipton County Alternative Learning School	Brighton, Tennessee
Warren County Alternative School	McMinnville, Tennessee
Weakley County Regional High School	Dresden, Tennessee

FURTHER AFFIANT SAITH NOT.

/s/ Ronnie L. Carter
Ronnie L. Carter

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and subscribed, before me, this 21st day of July, 1998.

/s/ Stacy Morefield
Notary Public

My Commission Expires: 11-25-2000

[Certificate of Service omitted in printing.]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRENTWOOD ACADEMY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**NO: 3-97- 249**
TENNESSEE SECONDARY SCHOOLS ATHLETIC ASSOCIATION and RONNIE CARTER, Executive Director and Individually,	)	**JUDGE CAMPBELL**
	)	**MAG. JUDGE**
	)	**HAYNES**
	)	
	)	
Defendants.	)	

SECOND AFFIDAVIT OF MELNA VAN BEBER

Melna Van Beber, first being duly sworn according to law, states as follows:

(1) I am a paralegal employed by the law firm of Bass, Berry & Sims PLC, which represents plaintiff Brentwood Academy in this matter. I have held that position since 1996.

(2) I have personal knowledge of the facts contained in this affidavit and they are true, correct and accurate to the best of my knowledge, information and belief.

(3) At the direction of attorney Lee Barfield, I have attempted to ascertain whether all of the public high schools in Tennessee are members of the TSSAA. I was unable to identify any person who could answer this question directly

or any document setting forth the answer directly. Accordingly, I obtained a comprehensive listing of all of the public schools in the state from the Tennessee Department of Education. From that list, I determined that there are 295 public high schools in the state. I then reviewed the TSSAA's current membership roster to determine how many of these 295 schools are members of the TSSAA. I ultimately determined that all 295 public high schools are members of the TSSAA.

(4) The foregoing conclusion is based upon the best evidence available to Brentwood Academy at this time, and I believe my analysis to be true and accurate.

(5) I have reviewed the Second Affidavit of Ronnie Carter, which was filed with the Court on July 22, 1998. During the course of my investigation, I contacted a number of the schools that Mr. Carter's affidavit identifies as non-TSSAA members, such as Harris-Hillman Special Education School, Weakley County Regional High School and Daniel McKee Alternative School. Those schools were not included on my list of potential TSSAA members because they do not have interscholastic sports programs.

FURTHER AFFIANT SAITH NOT.

/s/ Melna Van Beber
Melna Van Beber

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to before me this 14th day of July, 1998

/s/ Karen Reecer
Notary Public

My Commission Expires:
July 22, 2000

[Certificate of Service omitted in printing.]

ADMINISTRATIVE RULES & REGULATIONS

0520-1-2-.08 Interscholastic Athletics.

(3) The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

***Authority**: T.C.A.§ 49-1-302. **Administrative History**: Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 31, 1995; effective February 28, 1996.*

0520-1-3-.05 State Curriculum, Requirement D.

(1) Curriculum Frameworks.

(a) The State Board of Education shall adopt a curriculum framework for each subject area, grades K-12. These frameworks shall contain the broad goals and objectives which identify the minimum content required at each grade level and for each course. The approved frameworks shall be the basis for planning instructional programs in each local school system.

(b) The established six year cycle for the selection and adoption of textbooks shall determine the order of implementation of the state curriculum framework, grades K-12. The state curriculum framework for each subject shall be distributed to local school systems at least one full school year prior to the year in which the textbooks are to be adopted. The six-year cycle shall be in accordance with the following schedule for state textbook adoption and bidding:

Language Arts and Foreign Language	1997
Mathematics and Computer	1998
Vocational Education, Literature, Spelling, and Fine Arts	1999
Reading, Grades 1-12	2000
Social Studies	2001
Science, Health, Agriculture and Home Economics	2002

(c) Instruction in grades K-12 in issues of current concern such as substance use and abuse, environmental education, consumer education, sexual abuse prevention, AIDS education, character education, career education, and safety shall be incorporated in appropriate subject areas and grade levels.

(2) Experimental Projects and Special Courses.

(a) Local school systems may offer special courses not listed in 0520-1-3-.06 on an experimental basis. Each course must be approved in advance each year by the Commissioner of Education. After three

years the course may become a permanent part of the local school program upon approval by the State Board of Education.

(b) The Commissioner of Education, in cooperation with the State Board of Education and local school system, shall have the authority to initiate experimental projects to determine the effectiveness of innovations in content or in the administration of instructional programs. The Commissioner of Education shall report the findings of these experimental projects to the State Board of Education on an annual basis.

(3) Grading and Promotion.

(a) Each school shall evaluate and report in writing to the parent(s) or legal guardian(s) each student's progress in each subject, at least every nine weeks, in accordance with the school system's evaluation plan. A parent or legal guardian will sign or otherwise acknowledge the report and return it to the teacher. Local school systems may choose not to require parental acknowledgment of the grade report for students in grades 7-12. If parental acknowledgment is not required, schools must publish annually the dates and method of reporting student progress and must provide ample opportunities for parents to notify the school of any concerns.

(b) Local school systems shall develop and implement grading, promotion, and retention

policies. The policies shall be communicated annually to students and parents.

(4) Reserved.

(5) Pre-kindergarten, Kindergarten, and Grades 1-3.

(a) Pre-kindergarten programs operated by or through local boards of education and all approved kindergarten programs shall be child-centered, family focused, and developmentally appropriate. Pre-kindergarten programs shall be based on the early childhood education and parent involvement policy of the State Board of Education. Kindergarten programs shall be based on the state curriculum framework.

1. The programs shall provide daily active learning experiences through exploration and play. Hands-on manipulation of real objects shall be emphasized in the learning experiences in preference to worksheet items.

2. The programs shall provide an arrangement of the room, equipment, and materials in learning centers which facilitate both small group and individual child use. Such equipment and materials shall be appropriate in size and complexity to the age of the children.

3. Assessment of pre-kindergarten and kindergarten children shall emphasize the use of observational data and other assessments that support the delivery of an individualized, developmentally appropriate program.

   (i) Standardized or formalized testing may be administered to pre-kindergarten and kindergarten children only for the purposes of diagnosing special educational needs, developing services to support mainstreaming of children with disabilities, and/or for meeting any required federal program eligibility standards.

   (ii) Each local school system shall adopt and implement a comprehensive developmental assessment program for kindergarten children, to be used in developing instructional programs for kindergarten children.

4. Pre-kindergarten programs shall be staffed by at least one teacher for each 20 children and additional educational assistants or other personnel as are required to meet the adult/child ratio standards specified by the State Department of Human Services and administered by the State Department

of Education for child care programs in schools.

5. Pre-kindergarten programs shall use and maintain transportation services (if provided) and facilities which meet the fire, safety, and health standards specified by the State Department of Human Services and Head Start, and administered by the State Department of Education for child care programs in schools.

(b) The curriculum and program structure for children in pre-kindergarten, kindergarten, and grades 1-3 shall be organized to support developmentally appropriate practice and may serve children in ungraded (non-graded or multi-age) groups or classes. Ungraded programs may also be developed in other grades.

(c) A Montessori kindergarten program may be approved if it meets all state requirements for approval as a public school except that compliance of its teachers with the standards and requirements of the Montessori Accreditation Council for Teacher Education (MACTE) and completion of a baccalaureate degree shall satisfy teacher employment standards for teaching in Montessori kindergartens: however, compliance with MACTE standards shall not satisfy employment standards for teaching in public schools.

(6) Areas of Instruction.

(a) Language Arts.

1. Grades K-8.

(i) The language arts program shall be based on the state curriculum frameworks and shall be developmentally appropriate with instruction focusing on receptive and expressive language skills.

(ii) Students whose first language is not English and who are identified as limited English proficient shall be provided with English instruction especially designed for speakers of other languages.

2. Grades 9-12.

(i) Four units of credit in English language arts shall be required for graduation. Literature shall be drawn from diverse cultures.

(ii) Courses in speech, journalism, competency English, and creative writing may be taken for elective credit but will not satisfy the four units of English

language arts required for graduation.

(iii) Students whose first language is not English and who are identified as limited English proficient shall be provided with English instruction especially designed for speakers of other languages. These courses may be used to satisfy the English language requirement for graduation, not to exceed two units.

3. Foreign Languages.

(i) Grades K-8. Foreign language instruction may be incorporated into the curriculum.

(ii) Grades 9-12. Students who elect the university preparation curriculum shall complete two units in anyone foreign language.

(iii) School systems may allow students who are native speakers of languages other than English to complete the graduation requirements for the university preparation curriculum without taking foreign language courses

provided oral and written proficiency in the native language can be documented. Such documented native language proficiency will be noted on the Tennessee high school transcript.

(b) Mathematics.

1. Grades K-8. The mathematics program shall be based on the state curriculum frameworks and shall be developmentally appropriate, with instruction focusing on the use of manipulative to teach mathematical language skills and concepts.

2. Grades 9-12. Three units of credit in mathematics shall be required for graduation. Students shall be required to achieve, by the time they graduate, at least one of the following: Algebra I, Math for Technology II, or the equivalent in an integrated curriculum incorporating National Council of Teachers of Mathematics (NCTM) standards. The State Department of Education shall determine equivalency. Calculators shall be provided for use in all mathematics courses.

(c) Science.

1. Grades K-8. The science program shall be based on the state curriculum frameworks and shall be developmentally appropriate, with instruction focusing on laboratory experiences.

2. Grades 9-12. Three units of science shall be required for graduation. One unit shall be drawn from the physical sciences and one unit shall be drawn from the life sciences. All science courses shall include laboratory experiences.

(d) Social Studies.

1. Grades K-8. The social studies program shall be based on the state curriculum framework and shall be developmentally appropriate, with instruction focusing on experiences to enable students to learn about themselves and others in the community, state, nation, and world.

2. Grades 9-12. The social studies curriculum shall consist of three units and shall include United States history, world history/world geography, economics, and government. The requirement may be met either by combining these subjects or by separate courses.

3. The curriculum shall include African American history and culture.

4. All social studies programs shall include a multi-cultural perspective.

(e) Health, Physical Education, and Wellness.

1. Health and Physical Education, Grades K-8. The health education and physical education programs shall be based on the state curriculum framework and shall be developmentally appropriate with instruction focusing on activities which will promote good health habits and enhance physical fitness.

2. Wellness, Grades 9-12.

(i) Students shall complete 1 unit of wellness. The program shall be based on the state curriculum framework and shall integrate concepts from the areas of health and physical fitness.

(ii) Participation in marching band and interscholastic athletics shall not be substituted for this requirement. Credit earned in two years of JROTC may be substituted for the wellness requirement provided the local board of education has

complied with the requirements of the State Board of Education.

(iii) Participation in marching band and interscholastic athletics shall not be substituted for the wellness requirement. Credit earned in two years of JROTC may be substituted for the wellness requirement provided the local board of education has complied with requirements of the State Board of Education.

3. For pupils who have physical disabilities, the physical education program shall be modified based on the annual written recommendation of a physician. The statement of the physician shall indicate the type of disability and include a recommended activity pro-gram.

(f) Automobile Driver Education, Grades 9-12.

1. Driver education, when offered, must follow the guidelines of the state curriculum framework. The course shall be a one-half unit elective and shall include not fewer than 30 class hours of instruction and six hours of experience behind the wheel. Students shall be permitted to enroll in the

program when they have reached the age of 15 years.

(g) Fine Arts. Students who elect the university preparation curriculum shall complete 1 unit of fine arts.

1. Visual Arts. Grades K-12. The visual art program shall be based on the state curriculum framework and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

2. Music. Grades K-12. The music program shall be based on the state curriculum framework and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

3. Theatre Arts. Grades K- 12. The theatre arts program shall be based on the state curriculum framework and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

4. Dance. Grades K-12. The dance program shall be based on the state curriculum framework and shall be developmentally appropriate with instruction focusing on activities

relating to appreciation and production.

(h) General Education Exploratory Courses. Grades 6-12.

Classes in business education, general agriculture, general home economics and technology education may be offered.

(i) Computer Technology.

1. Grades K-8. The computer technology program shall be based on the state curriculum framework and shall be developmentally appropriate, with instruction focusing on computer literacy and the use of the computer as a productivity tool.

2. Grades 9-12. Classes in computer technology and computer language may be offered.

3. School systems shall verify, beginning September 1, 1994, that all graduating seniors have had the equivalent of at least one year (180 hours) of computer education during their K-12 tenure. Students who transfer from another state during their senior year are exempt from this requirement.

(j) Vocational-Technical Education.

1. Grades K-8. Classes in vocational-technical education may be offered and shall be based on the state curriculum framework.

2. Grades 9-12. Students who elect the technical preparation curriculum shall complete a four-unit program of study focusing on a particular technical area.

(7) Curriculum for Children with Disabilities.

(a) The curriculum for children with disabilities shall be an integral part of the general curriculum of the school. Provision shall be made for instruction in all instructional areas with changes and adaptations, within and/or outside of the regular instructional program, to meet the abilities and needs of the individual child.

(b) An Individualized Educational Program (IEP) shall be designed for every eligible child. An IEP is a written plan for each eligible child, developed in a multidisciplinary team meeting in accordance with the requirements in 0520-l-3-.09.

Authority: *T.C.A. §37-1-603; 49-1-204; 49-1-302; 49-1-404; 49-6-101; 49-6-20 9(d), 49-6-1003; 49-6-1005, 49-6-1006; 49-6-1007; 49-6-1008; 49-6-1202; 49-6-1203; 49-6-1204; 49-6-1205; 49-6-1302; 49-6-2202; 49-6-2203 and 49-6-3001(c)(3)(A).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed October 3, 1985;*

effective January 14, 1986. Amendment filed January 17, 1986; effective April 15, 1986. Amendment filed May 20, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 28, 1992; effective July 29, 1992. Amendment filed September 1, 1992, effective December 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed January 14, 1997; effective May 30, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1999; effective March 30, 1999.

0520-1-3-.06 Graduation, Requirement E.†

(1) Graduation Requirements.

Prior to the 9th grade, all students will develop a four-year plan of focused and purposeful study. This plan will be developed when the student is in the eighth grade by the student, partner(s), and faculty advisor or guidance counselor. The plan will be reviewed annually.

(a) Types of Diplomas.

1. The regular diploma will be awarded to students who (1) earn the specified 20 unites of credit or satisfactorily complete an individualized educational program, (2) make passing scores on all subtests of the proficiency or competency test, and (3) have satisfactory records of attendance and conduct.

2. Students may graduate with honors if they (1) complete the core curriculum and either the university preparation curriculum or the technical preparation curriculum, (2) maintain at least a 3.0 academic average on a 4.0 scale, (3) meet the competency test standards, (4) have satisfactory records of attendance and conduct, and (5) meet such additional requirements as are specified by local school systems.

3. The high school certificate will be awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met proficiency or competency test standards.

4. The special education diploma will be awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met proficiency or competency test standards.

(b) Regular Diploma

1. The following 20 units shall be required for graduation for students who entered the 9th grade during the 1983-84 school year through the 1990-91 school year.

Courses	Units
English Language Arts	4
Mathematics	2
Science	2
United States History	1
Economics	1/2
Physical Education	1
Health Education	1/2
Electives	9
Total	20

2. The following 20 units shall be required for graduation for students who enter the 9th grade during the 1991-92 school year through the 1992-94 school year.

Courses	Units
English Language Arts	4
Mathematics	2
Science	2
United States History	1
United States Government	1/2
Economics	1/2
Additional courses in Mathematics*, Science, or World History, World Geography, Ancient History, Modern History, or European History	1 1/2
Physical Education	1
Health Education	1/2
Electives	7
Total	20

* Students who enter 9th grade in 1993-94 shall be required to complete 3 units of mathematics as part of the 13 units specified by the State Board of Education.

3. The following 20 units shall be required for graduation for students who enter the 9th grade in 1994-95 and thereafter; Students shall complete the core curriculum plus either the university preparation curriculum or the technical preparation curriculum.

Core Curriculum	Units
English Language Arts	4
Mathematics	2
Science	3
Social Studies**	3
Wellness	1
Total	14

* Students who enter 9th grade in 1994-95 and thereafter shall be required to achieve, by the time they graduate, at least one of the following: Algebra I, Math for Technology II, or the equivalent in an integrated curriculum incorporating National Council of Teachers of Mathematics (NCTM) standards. The State Department of Education shall determine equivalency.

** The social studies curriculum shall include United States history, world history/world geography, economics, and government.

University Preparation Curriculum	Units
Foreign Language	2
Fine Arts	1
Electives	3
Total	6

Technical Preparation Cirriculum	Units
Program of study focusing on a particular technical area	4
Electives	2
Total	6

(c) Honors Diploma and Graduation with Honors.

1. Course Requirements

(i) Students who enter the 9th grade through and including the school year 1993-94 are eligible for an honors diploma if they meet the following minimum requirements:

General Core Courses

	Credits
English (honors level, if offered)	4
Math (Algebra I or Math for Technology II, Algebra II, and Geometry or	

Advanced Math)	3
Science	3
Social Studies (United States History, Economics and 1 1/2 additional units)	3
Physical Education	1
Health Education	1/2

General Education		or	Vocational Education	
Foreign Language	2		Vocational Education	4
Fine Arts	1		Electives	2
Total	20 1/2		Total	20 1/2

(ii) Students who enter 9th grade in 1994-95 or thereafter may graduate with honors if they complete the core curriculum and either the university preparation curriculum or the technical preparation curriculum. School systems may specify additional requirements, such as requiring students to demonstrate performance of distinction in one or more areas.

2. For an honors diploma or graduation with honors, the overall grade point average shall be 3.0 on a 4.0 scale.

3. If students have taken the equivalent of high school level courses, they may meet course requirements in accordance with local board of education policies permitting credit by examination.

(d) A competency test shall be administered to all high school students. Achieving minimum standards on all required subtests shall constitute one requirement for

graduation with a regular diploma and graduation with honors. The test shall first be administered to students in the ninth grade. Students who fail to meet the minimum standards on any subtest shall be given the opportunity to be retested during any of the regularly scheduled administrations of the test. A student shall not be required to be retested on any subtest for which minimum standards on the competency test, proficiency test, or the competency/proficiency screening were previously achieved.

1. Students must meet a minimum standard of 70% of the test items answered correctly on each of two subtests: one subtest to test competency in mathematics and one subtest to test competency in language arts.

2. Any student who has received a special education diploma or a high school certificate regardless of the date of issuance may, at any time during a regularly scheduled administration of the competency test, take the competency test and upon passing the test be awarded a regular high school diploma.

3. Students who entered high school prior to or during the 1993-94 school year may fulfill this requirement by meeting the minimum standards on the proficiency test until September 1, 1997, after which time the proficiency test will no longer be administered.

(e) Academic Program. The following is a listing of courses which may be offered for credit in grades 9-12.

1. Automobile Driver Education

2. Reserved

3. Computer Technology

   (i) Personal Computing
   (ii) BASIC
   (iii) Pascal
   (iv) FORTRAN
   (v) C
   (vi) C++
   (vii) Advanced Placement Computer Science
   (viii) Computer Productivity Applications
   (ix) Interactive Multimedia Design
   (x) Adventures in Computing

4. Fine Arts

   (i) Visual Art
   (ii) Art History
   (iii) Vocal Music
   (vi) Instrumental Music
   (v) General Music
   (vi) Music Theory
   (vii) Music History
   (viii) Dance
   (ix) Theatre Arts

5. General Education Exploratory

(i) General Agriculture
(ii) General Home Economics

6. Health and Physical Education

(i) Physical Education*
(ii) Health Education

* Participation in interscholastic athletics and marching band may be substituted for the physical education graduation requirement during the period of participation in accordance with local board of education policies.

7. Language Arts

(i) English Language Arts I, II, III, IV
(ii) Applied Communication*
(iii) Advanced Placement English**
(vi) Speech
(v) Journalism
(vi) Competency English
(vii) Creative Writing
(viii) Latin I, II, III, IV
(ix) French I, II, III, IV
(x) German I, II, III, IV
(xi) Spanish I, II, III, IV
(xii) Russian I, II, III, IV
(xiii) Japanese I, II, III, IV
(xiv) Other Languages I, II, III, IV

* Applied Communication satisfies either the English III or the English IV credit required

for graduation. The teacher shall hold an endorsement in English 7-12.

** Advanced Placement English programs of the College Board may substitute for English III or English IV.

8. Mathematics

(i) Arithmetic 9*
(ii) Applied Mathemathics I
(iii) Applied Mathemathics II
(vi) Pre-Algebra
(v) Math for Technology I
(vi) Math for Technology II
(vii) Algebra I
(viii) Algebra II
(ix) Unified Geometry
(x) Math IV
(xi) Trigonometry
(xii) Probability and Statistics
(xiii) Pre-Calculus 1/2
(xiv) Pre-Calculus
(xv) Calculus

* Arithmetic 9 is available as a review course for students who have not mastered proficiency objectives. A credit in this course may serve as an elective, but shall not serve as one of the units in mathematics required for graduation.

9. R.O.T.C. Military Science*

* Credit earned for R.O.T.C. may substitute for physical education required for graduation.

10. Science

(i) Life Science
(ii) Biology I, II
(iii) Anatomy and Physiology
(iv) Advanced Placement Biology
(v) Chemistry I, II
(vi) Advanced Placement Chemistry
(vii) Earth/Space Science
(viii) Geology
(ix) Environmental Sciences
(x) Ecology
(xi) Physical Science
(xii) Physics
(xiii) Advanced Placement Physics

11. Social Studies

(i) World History
(ii) Ancient History
(iii) Modern History
(iv) World Geography
(v) United States History
(vi) United States Government*
(vii) Economics**
(viii) Anthropology
(ix) Sociology
(x) Psychology
(xi) Contemporary Issues
(xii) African-American History
(xiii) Advanced Placement United States History
(xiv) Advanced Placement European History

* The United States government requirement for graduation may be satisfied by one semester of American Business/Legal Systems or by three years of JROTC.

** The economics requirement for graduation may be satisfied by two semesters of marketing education, one semester of International Business, one semester of Consumer Economics, or out-of-school experiences through Junior Achievement.

* * * *

0520-1-5-.02 Minimum Standards for School Buses.

(1) All school buses purchased by a county, local school system, or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board of Education and all applicable federal motor vehicle safety standards.

(a) Van type equipment may be used to transport not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. Such van type equipment may be owned and operated by the local education agency or may be operated by or for the local education agency under a rental or for hire arrangement entered into by the agency with respect to the specific activity in connection with which such transportation is to be furnished.

1. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons that is owned or rented by the school system and used to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed employee of the school system.

2. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons operated for the local education agency under a for hire arrangement (both van and driver are arranged) to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed driver.

3. Van type equipment designed to transport not fewer than eleven (11) nor more than sixteen (16) persons can be used to transport up to fifteen (15) students. When transporting students, all drivers of such van type vehicles shall possess an appropriate school bus endorsed commercial driver s license issued by the Tennessee Department of Safety. Such van type equipment must be inspected by the

Tennessee Department of Safety prior to its use. The inspections will be made at sites determined and scheduled by the Department of Safety. Local education agencies shall furnish evidence of insurance to the inspector of the van type vehicle at the time of inspection with limits which comport to the minimum requirements of T.C.A. §29-20-101 et seq. A sticker evidencing approval for operation shall be issued to the owner of the vehicle and shall be affixed to the vehicle at the time of completion of the inspection. The approval shall be effective for a one year period. The inspection shall include the following areas:

(i) The van-type equipment is in safe, operating condition including an inspection of brakes, tires, glass, and seat belts and an inspection for fluid leaks;

(ii) The drive shaft is restrained by drive shaft loop hangers, except for front wheel drive vans;

(iii) The van contains a fire extinguisher, first aid kit and a body fluid kit; and

(iv) The van has in place an internal release latch for all doors.

4. No waivers shall be issued by any agency or department for the rules pertaining to the use of van type equipment.

5. Notwithstanding any part of this rule to the contrary, any van type equipment designed to transport (11) or more persons purchased by a local education agency after the effective date of this rule shall conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) if used for pupil transportation.

(2) Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board of Education but, because of special equipment, appropriate modifications shall be made for children with disabilities.

Authority: *T.C.A. § 49-1-30; 49-6-2102 and 49-6-2115.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed April 15, 1983; effective May 16, 1983. Amendment filed*

May 28, 1986; effective June 27, 1986. Amendment filed January 15, 1987; effective April 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-6-10-.01 Goals for Education in Tennessee. †

(1) This Physical Education Framework is designed to facilitate the accomplishment of the State Board of Education's goals which are stated in *Rules, Regulations, and Minimum Standards* as follows:

(a) Every Person Should:

1. Have competence in the fundamentals of learning and communication.

2. Develop skills and attitudes which facilitate learning.

3. Have sufficient information to realize life goals.

4. Know the principles, habits, and attitudes conducive to good physical and mental health.

5. Establish and maintain satisfactory relations with others.

6. Know and practice the basic requirements of responsible citizenship.

7. Have competence in the use of natural resources and in maintenance of ecological balance.

8. Acquire career information and economic competence.

9. Appreciate cultural and aesthetic values.

10. Be aware of the increasing interdependence among people and nations.

***Authority**: T.C.A. §49-1-302. **Administrative History:** Original rule filed October 1, 1985; effective January 14, 1986. Repeal and new rule filed April 14, 1993; effective July 28, 1993.*

0520-6-10-.02 Goals for Physical Education in Tennessee.†

(1) The purpose of physical education is to develop the student physically socially, and ethnically through large muscle skill development activities. The student will achieve this goal by:

(a) Developing and maintaining an optimal level of physical fitness and appreciating its value.

(b) Understanding and utilizing a variety of activities which are appropriate for lifetime enjoyment as a participant and/or a spectator.

***Authority**: T.C.A. §49-1-302. **Administrative History:** Original rule filed October 1, 1985; effective January 14, 1986. Repeal and new rule filed April 14, 1993; effective July 28, 1993.*

0520-6-10-.03 Rationale. †

(1) Instruction in physical education provides a planned, balanced, and varied progression of activities based upon the needs, abilities, and interests of students at all developmental levels.

(2) The 9-12 program serves to refine existing skills and develop new ones. Emphasis is placed on lifetime sports and activities with carryover value. The instruction focuses on the involvement, knowledge, and understanding necessary to achieve the lifetime goal of personal fitness.

***Authority**: T.C.A. §49-1-302. **Administrative History:** Original rule filed October 1, 1985; effective January 14, 1986. Repeal and new rule filed April 14, 1993; effective July 28, 1993.*

0520-6-10-.04 Description of Strands. †

(1) GAMES/SPORTS: Provides for instruction in the techniques for successful and enjoyable participation in organized and group physical activities. Subject matter also covers the value of using rules and strategies and the role of games and sports in developing physical fitness and using leisure time.

(2) GYMNASTICS: Designed to help the student achieve potential in overall body development. Emphasis is placed on the desirability of a variety of body movements and the importance of safety in gymnastic activities.

(3) PHYSICAL FITNESS: Provides for instruction in the elements of a program necessary for improving physical fitness. Content focuses on activities essential for building optimal fitness and value of fitness as a lifetime activity.

(4) RHYTHMIC MOVEMENT: Teaches the value of rhythmic training including the function of rhythmic activities in leisure time and the role of these activities in the appreciation of other cultures. Content focuses on the pattern and design of music.

***Authority**: T.C.A. §49-1-302. **Administrative History:** Original rule filed October 1, 1985; effective January 14, 1986. Repeal and new rule filed April 14, 1993; effective July 28, 1993.*

0520-6-10-.06 Strands.†

GOAL: 9-129100 Understanding the Contribution of Organized Physical Activity to the Total Development of the Individual.

GRADE 9-12

GAMES/SPORTS	GYMNASTICS	PHYSICAL FITNESS	RHYTHMIC MOVEMENT
CONCEPT: Individuals enjoy team sports as participants and spectators. OBJECTIVES 9-1291A1 - To understand the role of skill development in games/sports. 9-1291A2 - To understand rules and strategies employed in games/sports.	CONCEPT: Gymnastic abilities develop body flexibility, strength and fitness. OBJECTIVES 9-1291B1 - To understand the role of gymnastics in the physical education program. 9-1291B2 - To understand factors which contribute to safety in gymnastics.	CONCEPT: Physical fitness development requires appropriate exercise. OBJECTIVES 912291C1 - To understand the role of the individual in maintaining personal fitness. 9-1291C2 - To understand various factors which contribute to fitness. CONCEPT: Lifetime activities can contribute to personal fitness. OBJECTIVES 9-1291C3 - To understand how activities can be engaged in through life. 9-1291C4 - To understand the development of the skills necessary to engage in various lifetime activities.	CONCEPT: Rhythmic movement influences an individual's level of fitness and balance. OBJECTIVES 9-1291D1 - To understand the importance of rhythmic movement. 9-1291D2 - To understand factors involved in moving rhythmically.

Authority: *T C A 49-1-302(a)(8).* ***Administrative History*** *Original rule filed October 1, 1985, effective January 14, 1986. Amendment filed August 16, 1991, effective November 27, 1991.*

0520-7-2-.03 Category II: Agency Approval.

(1) The State Board of Education may approve the school approval procedures of non-public school accrediting agencies.

(2) Schools holding full accreditation status with an approved agency are approved by the State Department of Education.

(3) Home schools which may affiliate with an approved agency are not approvable under this category.

(4) Procedures for Application as an Approved Non-Public School Accrediting Agency.

(a) An agency seeking approval shall apply to the State Department of Education and shall supply relevant information needed by the department.

(b) The State Department of Education shall review the application of the agency with respect to the criteria for approval and recommend to the State Board of Education that the application be approved or denied. The applicant agency may address the State Board of Education at the time its application is being considered.

(5) Period of Approval.

(a) The period of approval for a recognized agency shall be five years.

(b) An agency which fails to meet the minimum standards for agency approval will have its approval revoked.

(6) Criteria for Approval of a Non-Public School Accrediting Agency.

(a) Scope of Operation of Agency. The agency shall:

1. Have a clearly written statement of its objectives;

2. Delineate the process by which it approves schools; and

3. Have at least five member schools, each with at least ten full-time students.

(b) Organization of Agency. The agency shall:

1. Specify qualifications for professional personnel for the agency,

2. Employ at least one full time director or superintendent; and

3. Be permitted to regulate schools which are not fully approved.

(c) Agency Responsibilities. The agency shall:

1. Maintain written descriptions of the requirements for school accreditation,

and of the levels or types of membership wanted;

2. Re-evaluate approved schools annually;

3. Give advance publication of proposed changes in approval standards to schools. These changes must be approved in advance by the State Department of Education;

4. Advise schools or directly provide them with technical assistance to address deficiencies;

5. Publish approval policies and lists of approved schools;

6. Require schools to report on deficiencies which could affect approval status;

7. Have procedures for revocation of approval;

8. Provide a list of all courses taught and the grade levels at which they are taught at each school;

9. Publish and follow minimum standards using the following criteria (or, the agency may use the standards as set forth in the Rules, Regulations and Minimum Standards for the

Governance of Public Schools in the State of Tennessee):

(i) Curriculum and Graduation.

(I) The program shall include (but not be limited to) the areas of reading, composition, speech, mathematics, social studies, science, art, music, health and physical education.

(II) Each school shall use print and nonprint materials, including textbooks, which are adequate to meet the needs of the instructional program. See Chapter 0520-1- 3.

(III) Each student shall meet the same minimum requirements for graduation as students in public schools. The specific requirements are listed in Chapter 0520-1-3.

(ii) Inservice. Each school shall have a minimum of five days for inservice education per school year.

(iii) Teacher Licensure and Evaluation.

(I) Each agency shall submit its procedures for licensing teachers. If the agency does not use the Tennessee State Department of Education licensure system, it must use a comparable system based upon educational training.

(II) Each teacher or principal shall hold a valid teacher license or permit as defined by the agency covering the work assignment.

(III) Each agency shall develop procedures for evaluation of all professional school personnel.

(iv) Facilities.

(I) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding

planning of new buildings, alterations, and safety.

(II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal sOffice.

(III) Each school shall have classrooms, laboratories, and libraries which are sufficient in number, adequate in space, and so constructed and arranged as to be conducive to carrying on the assigned activities. Playgrounds and physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate program of physical education.

(v) Administrative Rules.

(I) Each school shall maintain an operating schedule that includes

the minimum number of instructional days and hours required of public schools. See Chapter 0520-1-3.

(II) Each school which provides services to students certified as eligible students with disabilities shall meet all standards of the State Board of Education rule 0520-1-3-.09.

(III) A child entering first grade shall be no less than six years of age on or before September 30. Any child five years of age on or before September 30 may be enrolled in kindergarten.

(IV) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents.

(V) The maximum enrollments for an individual class shall be specified and shall not exceed state maximum class sizes for the same subject and grade level.

(VI) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work through high school is required.

(VII) Each school shall evaluate records and report the needs and progress of its pupils.

(VIII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians and guidance counselors for the student body served.

(IX) Each principal or head-master shall comply with the requirement of T.C.A. 49-6-5001 that each child enrolled in

school be vaccinated against disease.

(X) Each principal or headmaster shall comply with the requirements of T.C.A. 49-6-3007 regarding reporting the names, ages, and addresses of all pupils in attendance to the superintendent of the public school system in which the school is located.

(vi) Testing Program. At least once every school year, each school shall give a nationally standardized achievement test covering the areas of reading, language arts, spelling, math, science, and social science to each pupil in grades 2 through 8 and grade 10; the results must be communicated to teachers and parents and kept on file at the school for one calendar year.

Authority: *T. C.A. § 49-1-3 02.* ***Administrative History:*** *(For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992.*

RONNIE CARTER,

Having been first duly sworn, was examined and deposed as follows:

* * * *

A. Yes, sir, I think. It looks like the constitution and bylaws of the Tennessee Secondary School Athletic Association.

Q. Now Exhibit 3, was there a time when the bylaw provisions had to be approved by the state board of education?

A. No sir, not to my knowledge.

Q. Any changes had to be approved by the state board of education?

A. No, sir.

[p. 12:16-25]

Q. And you and the other staff members of the TSSAA are members of the Tennessee Consolidated Retirement System; is that right?

A. Yes, sir.

Q. How did that come about? Do you know?

A. There was legislative actions in, I think, the early 50's in regard to three bodies. As I remember, it's TSSAA, the TEA, Teachers' Education Association, which is a voluntary organization, and also the Tennessee School Board Association, TSBA. Because at that time most of the people they could attract in their employment were going to be coming out of teaching professions. And most of those people were in the Teachers' Retirement System. So it is my understanding that those three bodies went in by special act of legislature, those three voluntary associations were allowed to be members not of the Teachers' Retirement

System, but – I don't know what the correct terminology would be, but to be a part of the retirement system.

[p. 271:5-23]

A. I just – you know, when you take in all sports, everything, I just would be very hesitant to make any estimation of numbers. A lot of our schools play nonmember schools because they're – because there are a lot of nonmember schools in our state that have athletics, and there are a lot of nonmember schools surrounding our state that are approved by the Southern Association which our member schools play also.

[p. 273:20 - 274:2]

Q. Mr. Carter, is TSSAA a state agency?

A. No, sir.

Mr. NEBEL: Objection.

BY MR. COLBERT:

Q. Is it a corporation?

A. Yes, sir.

Q. When was TSSAA formed?

A. In 1925.

Q. When was the State Board of Education's rule about review or approval of TSSAA rules adopted?

A. I don't know the specific date, but I think it was sometime in the mid to late 60's.

Q. From the time that TSSAA started in 1925 until that rule was adopted, are you aware of the State Board of Education or the Tennessee Department of Education or any other agency of state government having any control over TSSAA activities?

A. No, sir.

Q. Once that rule was adopted, did anything change with regard to the State's control or lack of control over TSSAA's activities?

A. No, sir.

MR. NEBEL: Objection to the last question.

BY MR. COLBERT:

Q. How is the retirement account with TCRS or TSSAA employees funded?

A. It's funded by – the responsibility for all funding is by the Tennessee Secondary School Athletic Association.

Q. Does the legislature in its annual appropriations bill appropriate any funds to TSSAA?

A. No, sir.

Q. Does the State Board of Education or any other state agency have authority to approve or disapprove the contracts of TSSAA?

A. No, sir.

Q. Is TSSAA required to make any reports to the State Board of Education or any other agency of the State of Tennessee?

A. No, sir.

Q. Mr. Nebel asked you about the makeup of the Board of Control in the Legislative Council. Who is eligible to run for the Board of Control in the Legislative Council?

A. Any principal or assistant principal if they're a full time administrator of any member school can run, and any superintendent who is superintendent -- I believe we stated some city school systems that has no more than one high school that is a member.

Q. Does that include principals or headmasters of independent schools?

A. Yes, sir.

Q. Have you had principals or headmasters of independent schools on the Legislative Council?

A. Yes, sir.

[pp. 291:1 - 293:5]

Q. Look on Page 42 of the handbook at the guidelines for understanding the recruiting rule, and understanding what is undue influence. When were those guidelines developed?

A. Around – I believe that date was probably around 1992. Around 1992.

Q. Do you recall who was responsible for developing those guidelines?

A. Yes, sir, that was – we had a committee that was set by the Legislative Council. Basically went back and added areas of some of the questions that were there, and also helped to begin to develop those guidelines.

Q. Do you recall who was on that committee?

A. Yes, sir.

Q. Who?

A. Bill Stanfield was the president of the council at that time from Overton High School. Gordan Perry from Haywood County High School, or Jim Phifer who was at the time vice president of the council for Notre Dame high school in Chattanooga.

Q. Is Notre Dame an independent school?

A. Yes, sir.

Q. Mr. Cater, how long was Mr. Phifer on the Legislative Council?

A. I don't remember exactly, but he served one of the longest tenures that we had. It would be in excess, probably, of 15 or 20 years.

Q. Why did he leave the Legislative Council?

A. He retired.

Q. Has Bill Brown, headmaster of Brentwood Academy, ever sought election to the Board of Control or the Legislative Council, to your knowledge?

A. No, sir.

Q. Mr. Nebel asked you about games being played at public facilities or in public stadiums or in public gymnasiums. Does TSSAA receive any portion of the gate receipts from regular – season contests between its member schools?

A. No, sir.

Q. What contests regardless of where they're played, at public facilities or private facilities, what contests does TSSAA receive part of the gate receipts from?

A. Only tournaments and play-offs and then only certain sports in that category. We don't receive them in all tournaments, but in certain tournaments and certain sports.

Q. Which tournaments does TSSAA receive a portion of the gate on?

A. It's in our bylaws. It's Article 3, Section 17, and those are district and regional girls volleyball, district and regional girls soccer, district and regional soccer, district and regional track and field meets, invitational and regional wrestling tournaments, the invitational county conference, district and regional basketball. Then the state tournaments after expenses are held, the state tournaments series. We do not receive any receipts in district and regional baseball and softball, nor in cross country if they charge. I think that would be the two sports.

Q. How are the sites for the TSSAA tournament series selected?

A. District and regional level they're selected by the schools in that district, that make up the district, or the schools that make up – it depends on how the setups are, but district and regional level they're made by the school.

Q. Does the Legislative Council or the Board of Control dictate to the schools in a district or a region where they must – what site or what facility they must use for their tournament or play-offs?

A. No, sir, it's left up to the schools.

Q. Are private facilities ever used for any of the play-off series events.

A. Yes, sir.

Q. Where is the Clinic Bowl ordinarily played?

A. Vanderbilt University.

[pp. 293:23 - 296:24]

Q. Mr. Cater, what portion of TSSAA's annual income is made up of membership dues?

A. It's about 70 thousand of about a 1.6 million budget. Whatever that is.

[p. 298:21-24]

WILLIAM BAILEY BROWN, JR.,

having been first duly sworn, was examined and deposed as follows:

* * * *

DIRECT EXAMINATION BY MR. COLBERT:

Q. Will you state your full name, please, sir.

A. William Bailey Brown, Jr.

Q. And what's your current occupation, Mr. Brown?

A. I'm the headmaster at Brentwood Academy.

Q. How long have you served as the headmaster of Brentwood Academy?

A. We were founded in '69 and opened the doors in '70. So let's see, this is '97 –

[p. 5:2-13]

Q. When did Brentwood Academy first join TSSAA?

A. And I'm not sure at all about this, but I would think it was probably our second or third year. The first year we did play some TSSAA schools. I remember the football schedule was a B team schedule, but I'm not -- we may have had to be members at that point. I can't really remember.

Q. Has Brentwood Academy ever been a member of any other interscholastic athletic association besides TSSAA?

A. Not that I can recall. Now, our middle school belongs to the Harpeth Valley Athletic Conference, HVAC, which is made up of some public schools and some independent schools. But that's the only part of us that I think belongs, that I can remember.

[p. 8:11-24]

Q. How often does Brentwood Academy renew its membership with TSSAA?

A. Annually.

Q. All right. Do you know if TSSAA is required to accept Brentwood Academy as a member each year?

A. I would think they don't have to. I don't know.

[p. 157:19-25]

Q. But TSSAA has continued to accept Brentwood Academy's membership applications every year, correct?

A. Yes.

Q. And Brentwood Academy doesn't have to join each year, but it has done so, correct?

A. Yes, that's correct.

Q. And each year when Brentwood Academy joins, there's a little card that's a membership application that a representative of the school has to sign, right?

A. Yes, if I remember correctly.

[p. 158:1-10]

BY MR. COLBERT:

Q. Now look, if you will, at the last two of these cards in this collective exhibit. Both of these were signed by you, were they not?

A. '97 was.

Q. What about '96?

A. '96 was, yes.

Q. And on both of these cards, just like in the preceding ones, you agreed as the headmaster that Brentwood Academy would conduct its athletic program for that year in accordance with the rules and decisions of the TSSAA, right?

A. Yes.

Q. And the most recent one of those agreements you made on behalf of Brentwood Academy was dated August the 12th, 1997, one day before the hearing in Fayetteville, correct?

A. That's correct.

Q. And 11 days before the final decision of the board of control, right?

A. Yes.

Q. And you agreed on that card to comply with the decisions of the TSSAA, right?

A. Yes.

Q. And in making that agreement, you agreed to comply with the provision of the TSSAA constitution that says the board of control acts as a final court of appeals, right?

[pp. 159:7 - 160:9]

[Exhibit 12]

Tennessee Secondary School Athletic Association
P. O. Box 319 3333 Lebanon Road
Hermitage, Tennessee 37076
615/889-6740 Fax 615/889-0544

July 29, 1997

Mr. Bill Brown, Principal
Brentwood Academy
219 Granny White Pike
Brentwood, TN 37027

Dear Mr. Brown:

This is in regard to questions concerning possible violations of TSAA Bylaws by Brentwood Academy. Members of our staff have met with members of Brentwood Academy's staff concerning a number of items. In addition, there have been written responses from both our office and Brentwood Academy concerning these areas. We have also met with four student-athletes from two different middle schools and six coaches from four different middle schools concerning contacts with student-athletes in their schools.

After reviewing all of the information, the following is a summary of the concerns and violations:

1. Concern. The practice of providing free tickets for Brentwood Academy games to coaches at other middle schools. It is of great concern that the present policy is totally at the discretion of Coach Carlton Flatt, with Coach Flatt stating that two is the usual number. This leaves too many opportunities for

middle school student-athletes to be admitted at no charge.

Violation. Article II, Section 21 (Recruiting): It has been determined that at least one specific violation in this area occurred when a coach from Neely's Bend Middle School was left three tickets, with two being used by student-athletes. The response from Brentwood Academy is that the coach was told not to bring athletes above the sixth grade. The most critical part of understanding the "recruiting rule" is Guideline #8 which states:

> Administrators and coaches must realize that they have more responsibilities than the general public to understand the purpose of high school athletics, the principles behind the TSSAA rules, etc., and to maintain a level of understanding and purpose when dealing with the general public and students.

2. Concern. There is only one reference to seventh grade and above in the questions and answers in the Recruiting Rule (Q.4, example 4). Example #7 in Q. 4 specifically states that students being admitted free to contests is a guide in determining whether undue influence has been used. Brentwood Academy has indicated that students below the seventh grade would be admitted free to its games.

Violation. Article II, Section 21 (Recruiting): It has been determined that there was at least two situations where students below the seventh grade have been admitted free.

3. Concern. The concept expressed by Brentwood Academy is that students that have gone through Brentwood Academy's "enrollment process" are seen differently than other students in terms of TSSAA rules. It is critical first to understand that "enrolled," by TSSAA rules, means a student in regular attendance at a particular school. Students can only be enrolled at one school and each of the students in question is enrolled at a middle school.

It has been defined to our staff by Brentwood Academy that "enrollment" means a student or parents having made contact to Brentwood Academy, information and an application are then sent to the student and family, the student is then tested, the student is then accepted or rejected by Brentwood Academy and notified, and, if accepted, the family then signs a contract indicating the student will attend. We were first told that a student must pay a $300.00 deposit on tuition for the following year. We were then told that a student applying for financial aid does not have to pay the $300.00 fee. We were further informed that students have gone through the process and then not attended Brentwood Academy in the fall.

It seems very apparent that this process creates many opportunities for problems. It obviously does not assure Brentwood Academy that the students will be attending. It is also obvious that a family could go through this process at any number of schools.

Going through this simple process does not open the doors for Brentwood Academy to contact or treat

these students in any different manner than students who have not gone through the process.

Violation. Article II, Section 21 (Recruiting): It is very apparent from talking with students and, also, Coach Flatt that students have been contacted by Brentwood Academy about athletics, both in writing and by telephone, prior to the time they were "enrolled" under TSSAA rules. While the information indicates it is to inform them of opportunities, all of this could easily be a part of any application process. This is explained in Question #3, and examples 3 and 4 under Question 4 in Article II, Section 21 of the Bylaws.

4. Concern: Of 21 rising ninth grade students who have gone through this process, 12 received a letter from Mr. Flatt and follow-up telephone calls regarding participation in spring practice. While participation in spring practice by students enrolled in another school is not a violation in itself, for it to occur in the manner it has occurred resulted in going beyond what is normal and appropriate. In the past, Brentwood Academy has allowed this when it was initiated by a parent in their contact to Brentwood Academy. This resulted in none in 1995 and two in 1996. Only one had contacted Brentwood Academy concerning this in 1997. A change occurred this year to contact all new male students, with 12 participating. The 12 came from nine schools in three different counties, some as far away as 45 minutes.

Violation. Article II, Section 21 (Recruiting): This entire process is seen as beyond what is normal and appropriate and is undue influence.

5. Concern: Information from Brentwood Academy indicates three different members of the coaching staff (Robert Butler, Brad Perry, and John Patton) coach AAU basketball teams in the spring, with those teams involving 15-and-under boys, 13-and-under boys, 12-and-under boys, and 10-and-under girls. The 15-and-under boys have five students enrolled in either the eighth or ninth grade at Brentwood Academy.

It is of great concern to TSSAA that it was expressed by Brentwood Academy in one meeting that TSSAA needs to do something about the AAU problem and at the same time has three members of their coaching staff involved with AAU teams. While this is not a violation, it is of deep concern that the coaches involved are with different age groups, starting with 12 and under. There is obviously the potential for undue influence.

Violation. Article III, Section 13 (Sports Calendar): Brentwood Academy is in violation of the practice rule since a member of the staff is involved with a team (15-and-under boys) with five students presently enrolled in the eighth or ninth grade at Brentwood Academy. Two members of the AAU team were members of the Brentwood Academy high school program in 1996-97 and all five could be members in 1997-98. Schools are limited to 10 practices and two scrimmages in the spring involving a representative of the coaching staff and one or more members of the basketball program.

6. Concern: In talking with four student-athletes from two different middle schools and six coaches from four different middle schools concerning contacts

with student-athletes in their schools, it was found that these contacts have come from persons connected with and persons not connected with Brentwood Academy. There is a recurring theme through all the interviews with students and coaches. Students are being singled out by someone based on athletic ability. It would appear to be of major concern to Brentwood Academy that the only two students from Neely's Bend Middle School to be contacted, approved, and accepted are two top athletes. Neely's Bend is 45 minutes away. The only student to go through the process from East Middle School is also an outstanding athlete. This should cause great concern on the part of Brentwood Academy. The only student from Cameron to go through the process and be accepted is also an outstanding athlete. Three of the four would be among the best athletes in the Metropolitan Public School System at the middle school level.

Violation. This is a violation of the Recruiting Rule. It is obvious that over and over we see persons exceeding what is normal and appropriate, as well as treating athletes and prospective athletes differently than students who are not athletes. At some point, examples 1, 3, 4 and 7 under Question 4 have all been violated.

After reviewing the concerns and violations, the following action is being taken:

1. For violation of the practice rule, Brentwood Academy will not be permitted any off-season practice in football or basketball for two years.

2. For violations of the recruiting rule, Brentwood Academy is being placed on probation for two years and fined $3,000.00 In addition, no athletic team will be permitted the privilege of entering the tournament series for 1997-98. The football program and boys' basketball program will also be denied the privilege of entering the playoffs and tournament series in 1998-99.

   Any further violations of TSSAA rules and regulations during the probation period will result in further disciplinary action.

3. The two students at Neely's Bend, the student at Cameron, and the student at East Middle School will be ineligible to participate in athletics at Brentwood Academy at any level.

I know that you will take the necessary steps, as Headmaster of Brentwood Academy, to see that a violation of this type does not occur again. High school athletics is a part of the total educational program. We cannot justify the existence of high schools athletics if situations such as this are allowed to occur. Participation in high school athletics is a privilege and with that privilege goes responsibility. These responsibilities must be met by everyone involved with the Brentwood Academy athletic program.

If you have any questions concerning this, please feel free to contact me.

Sincerely,

/s/ Ronnie Carter
Ronnie Carter
Executive Director

RC:wmb

cc: The Tennessean (to be mailed August 1, 1997)
Nashville Banner (to be mailed August 1, 1997)
Brentwood Journal (to be mailed August 1,1997)
The Franklin-Review Appeal

[Exhibit 13]

Tennessee Secondary School Athletic Association
P. O. Box 319 3333 Lebanon Road
Hermitage, Tennessee 37076
615/889-6740 Fax 615/889-0544

August 23, 1997

Mr. Bill Brown, Headmaster
Brentwood Academy
219 Granny White Pike
Brentwood, TN 37027

Dear Bill:

This letter is in response to your appeal before the Board of Control at the Sheraton Music City on August 23, 1997.

First, on behalf of the entire Board I commend you and those who appeared on behalf of your school as they delivered information to us. Our Board took time to thoroughly review all the information that was presented today and that had been previously submitted to the state office.

After reviewing and having a detailed discussion on all of the information, the Board's determination is that the following violations of TSSAA regulations occurred:

1. Student-athletes have been admitted free of charge to athletic contests.

2. Contact with student-athletes, initiated by Brentwood Academy, while those students were enrolled at other schools.

3. Brentwood Academy coaches conducting impermissible off-season practice with Brentwood Academy student-athletes.

The details of each of the foregoing violations have been described in previous correspondence from TSSAA Executive Director Ronnie Carter. In order to communicate the decision of the Board of Control to you as soon as possible, I will not take the time to reiterate the factual details of the foregoing violations.

The Board of Control has determined that the appropriate penalty for the foregoing violations are as follows:

1. The entire athletic program of Brentwood Academy will be on probation for four years. If there are further violations during the probationary period, TSSAA will have no choice but to take further disciplinary action.

2. Brentwood Academy's football and boys' basketball programs are suspended from the TSSAA playoff series for the 1997-98 and 1998-99 school years.

3. Brentwood Academy is fined $3,000 for the above violations.

4. The Brentwood Academy's football and boys' basketball Programs will not be permitted to engage in off-season practice in the 1997-98 and 1998-99 school years.

5. Appropriate administrative officials of Brentwood Academy will meet with the TSSAA Executive Director to develop an administrative control plan to help guard against future problems like those which precipitated this action.

The portion of the previous penalty pertaining to tournament series revenue has been removed. In addition, the Board of Control has decided that no student-athletes should be declared ineligible based on the foregoing violations provided they meet all other eligibility requirements.

Notwithstanding the modifications of the previous penalties by the Board of Control, the foregoing violations are serious. While there is no indication of a deliberate intent to violate TSSAA rules by Brentwood Academy officials, the Board of Control concurs with the Executive Director's concern about a lack of appropriate administrative control in various aspects of the school's athletic program. These concerns will have to be addressed in the administrative control plan to be developed.

Sincerely,

Mike Reed
President, TSSAA Board of Control

MR:wmb
cc: Ronnie Carter

[Exhibit 19]

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

Name of School: Brentwood Academy
Street: 219 Granny White Pike
Town: Brentwood, TN
Zip Code: 37027.

Our School will participate – (Check One)

Senior High Division (Only) __
Junior Division (Only) __
Senior and Junior Division X

Enrollment for September of Current School Year: 419

Membership Fee: $225.00

(This membership fee includes one year's subscription to TSSAA News for principal and for head coaches at $2.00 per subscription.)

I hereby agree that the Brentwood Academy will conduct its athletics for the year 1989-90 in accordance with the rules and decisions of the TSSAA.

Date: 9/11/89 (Signed) /s/ Bill Brown
Principal or Superintendent

Return This Card Along With Check For Membership Fee Before Jan. 1 to: Tennessee Secondary School Athletic Association, 333 Lebanon Road, Hermitage, Tenn. 37076

Please check the interscholastic sports that you plan to sponsor during the school year, and give name of coach for each sport.

	Senior Division	Junior Division
Football	Carlton Flatt	
Volleyball (Girls)	Dan Pierce	Dan Pierce
Basketball (Boys)	Ricky Bowers	Paul Compton
Basketball (Girls)	David Pack	
Baseball (Boys)	Paul Compton	
Softball (Girls)	Wendell Harris	
Track (Boys)	Charlie Harper	
Track (Girls)	Bill Brown	
Golf (Boys)	Vicki Capehart	
Golf (Girls	Vicki Capehart	
Tennis (Boys)	John Patton	
Tennis (Girls)	Rachel Hall	
Wrestling	Ray Dalton	
Cross Country (Boys)	Charlie Harper	
Cross Country (Girls)	Steve Heaston	
Soccer (Boys)		
Soccer (Girls)		

JA-286

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

Name of School: Brentwood Academy
Street: 219 Granny White Pike
Town: Brentwood, TN
Zip Code: 37027.

Our School will participate – (Check One)

Senior High Division (Only) __
Junior Division (Only) __
Senior and Junior Division X

Enrollment for September of Current School Year: 275 including 2 exchange students who will be here until Sept. 30, 1991

Membership Fee: $400.00

(This membership fee includes one year's subscription to TSSAA News for principal and for head coaches at $2.00 per subscription.)

I hereby agree that the Brentwood Academy will conduct its athletics for the year 1990-91 in accordance with the rules and decisions of the TSSAA.

Date: Aug. 30, 1991 (Signed) /s/ Carlton Flatt
Principal or Superintendent

Return This Card Along With Check For Membership Fee Before Jan. 1 to: Tennessee Secondary School Athletic Association, 333 Lebanon Road, Hermitage, Tenn. 37076

Please check the interscholastic sports that you plan to sponsor during the school year, and give name of coach for each sport.

	Senior Division	Junior Division
Football	Carlton Flatt	
Volleyball (Girls)	Melinda Coille	Karen Gant
Basketball (Boys)	Ricky Bowers	
Basketball (Girls)	David Pack	
Baseball (Boys)	Paul Compton	
Softball (Girls)	Wendell Harris	
Track (Boys)	Charlie Harper	
Track (Girls)	Bill Brown	
Golf (Boys)	Vicki Capehart	
Golf (Girls	Vicki Capehart	
Tennis (Boys)	John Patton	
Tennis (Girls)	Cameron Phillips	
Wrestling	Ray Dalton	
Cross Country (Boys)	Charlie Harper	
Cross Country (Girls)	Charlie Harper	
Soccer (Boys)		
Soccer (Girls)		

JA-288

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy
Address: 219 Granny White Pike
City, State, Zip: Brentwood, TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division X
Middle School Division ___

Membership Fee: $400.00. This membership fee includes one year subscription to TSSAA News for the principal and for head coaches at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1992 in accordance with the rules and decisions of the TSSAA.

/s/ Bill Brown — 9/1/92
Principal's Signature — Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

JA-289

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy;
Address: 219 Granny White Pike
City, State, Zip: Brentwood,TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division ___
Middle School Division ___

Membership Fee: $300.00. This membership fee includes one year subscription to TSSAA News for the principal and for head coaches at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1994 in accordance with the rules and decisions of the TSSAA.

/s/ Bill Brown _____ December 20, 1993
Principal's Signature Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

JA-290

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy;
Address: 219 Granny White Pike
City, State, Zip: Brentwood,TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division ___
Middle School Division ___

Membership Fee: $300.00. This membership fee includes one year subscription to TSSAA News for each school at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1995 in accordance with the rules and decisions of the TSSAA.

/s/ Joe W. Campbell — August 23, 1994
Principal's Signature — Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

JA-291

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy
Address: 219 Granny White Pike
City, State, Zip: Brentwood,TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division ___
Middle School Division ___

Membership Fee: $300.00. This membership fee includes one year subscription to TSSAA News for each school at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1995-96 in accordance with the rules and decisions of the TSSAA.

/s/ Bill Brown _____ 8/23/95 _____
Principal's Signature Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

JA-292

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy
Address: 219 Granny White Pike
City, State, Zip: Brentwood,TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division ___
Middle School Division ___

Membership Fee: $300.00. This membership fee includes one year subscription to TSSAA News for each school at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1996 in accordance with the rules and decisions of the TSSAA.

/s/ William B. Brown, Jr. 11/14/96
Principal's Signature Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

JA-293

MEMBERSHIP APPLICATION

Tennessee Secondary School Athletic Association

School Name: Brentwood Academy
Address: 219 Granny White Pike
City, State, Zip: Brentwood,TN 37027.

Check the division(s) in which you will participate:

Senior High Division X
Junior High Division ___
Middle School Division ___

Membership Fee: $300. This membership fee includes one year subscription to TSSAA News for the principal and for head coaches at $10.00 per subscription.

I hereby agree that the Brentwood Academy High School will conduct its athletics programs for the year 1997 in accordance with the rules and decisions of the TSSAA.

/s/ Bill Brown _____ 8/12/97 _____
Principal's Signature Date

Return this card no later than December 31 along with check for membership dues to:
TSSAA, 333 Lebanon Road, Hermitage, Tenn. 37076

[Exhibit 21]

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION

CERTIFICATION OF COMPLIANCE WITH TSSAA POLICY ON RECRUITING

This form must be completed in full, bear the signature of all appropriate personnel and be returned to the TSSAA Office with your Directory Sheet.

INSTRUCTIONS (MUST BE TYPEWRITTEN):

1. This Certification of Compliance with the TSSAA Recruiting Policy must be submitted to the TSSAA Office with your Directory Sheet.
2. Make a photocopy of the completed and signed form for school files.
3. It is essential that the form bear the signature of the principal, athletic director, and all coaches in each varsity sport offered by the school. If coaches in a particular sports(s) have not been determined, list TBA in the appropriate blank(s) and submit a photocopy of this form with that individual(s) signature after he/she has been determined and has reviewed the TSSAA Policy on Recruiting.

Name of School Brentwood Academy

CERTIFICATION OF COMPLIANCE (Read Carefully)

With my signature, I certify that I have read the TSSAA Handbook on Recruiting which has been adopted by the Legislative Council and agree to comply with the provisions of this rule in full. I also certify that I will inform all necessary school personnel, as well as all other individuals associated with this school of the provisions of this policy and of this school's intention to abide by those provisions. I also certify that I know of no one connected or not connected with our school who is in violation of the TSSAA Recruiting Rule.

POSITION	NAME (Must be Typewritten)	SIGNATURE
Principal	Bill Brown	/s/ Bill Brown
Football (Head Coach)	Carlton Flat	/s/ Carlton Flat
Boys' Basketball (Head Coach)	Walt Holman	/s/ Walt Holman
Girls' Basketball (Head Coach)	Robert Butler	/s/ Robert Butler
Baseball (Head Coach)	Buddy Alexander	/s/ Buddy Alexander
Boys' Track (Head Coach)	Charlie Harper	/s/ Charlie Harper
Girls' Track (Head Coach)	Bill Brown	/s/ Bill Brown
Boys' Cross Country (Head Coach)	Walt Holman	/s/ Walt Holman
Girls' Cross Country (Head Coach)	Tracy Polte	/s/ Tracy Polte
Boys' Golf (Head Coach)	Vicki Capehart	/s/ Vicki Capehart
Girls' Golf (Head Coach)	Vicki Capehart	/s/ Vicki Capehart
Boys' Tennis (Head Coach)	David Speakman	/s/ David Speakman
Girls' Tennis (Head Coach)	Jill Holmes	/s/ Jill Holmes
Wrestling (Head Coach)	Ray Dalton	/s/ Ray Dalton
Boys' Soccer (Head Coach)	Charlie West	/s/ Charlie West
Girls' Soccer (Head Coach)	Charlie West	/s/ Charlie West
Softball (Head Coach)	Wendell Harris	/s/ Wendell Harris
Girls' Volleyball (Head Coach)	Karen Forehand	/s/ Karen Forehand
Assistant Coaches	Mickey Jacobs	/s/ Mickey Jacobs
	Bobby Gentry	/s/ Bobby Gentry
	Bill Evans	/s/ Bill Evans
	Ron Harris	/s/ Ron Harris
	Brad Perry	/s/ Brad Perry

[Original stamped received Sept. 28, 1996.]

[Exhibit 22]

TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION

CERTIFICATION OF COMPLIANCE WITH TSSAA POLICY ON RECRUITING

This form must be completed in full, bear the signature of all appropriate personnel and be returned to the TSSAA Office with your Directory Sheet.

INSTRUCTIONS (MUST BE TYPEWRITTEN):

1. This Certification of Compliance with the TSSAA Recruiting Policy must be submitted to the TSSAA Office with your Directory Sheet.
2. Make a photocopy of the completed and signed form for school files.
3. It is essential that the form bear the signature of the principal, athletic director, and all coaches in each varsity sport offered by the school. If coaches in a particular sports(s) have not been determined, list TBA in the appropriate blank(s) and submit a photocopy of this form with that individual(s) signature after he/she has been determined and has reviewed the TSSAA Policy on Recruiting.

Name of School Brentwood Academy

CERTIFICATION OF COMPLIANCE (Read Carefully)

With my signature, I certify that I have read the TSSAA Handbook on Recruiting which has been adopted by the Legislative Council and agree to comply with the provisions of this rule in full. I also certify that I will inform all necessary school personnel, as well as all other individuals associated with this school of the provisions of this policy and of this school's intention to abide by those provisions. I also certify that I know of no one connected or not connected with our school who is in violation of the TSSAA Recruiting Rule..

POSITION	NAME (Must be Typewritten)	SIGNATURE
Football (Head Coach)	Bill Brown	/s/ Bill Brown
Boys' Basketball (Head Coach)	Carlton Flat	/s/Carlton Flat
Girls' Basketball (Head Coach)	Robert Butler	/s/ Robert Butler
Baseball (Head Coach)	Steve Shipley	/s/ Steve Shipley
Boys' Track (Head Coach)	Buddy Alexander	/s/ Buddy Alexander
Girls' Track (Head Coach)	Charlie Harper	/s/ Charlie Harper
Boys' Cross Country (Head Coach)	Bill Brown	/s/ Bill Brown
Girls' Cross Country (Head Coach)	Charlie Harper	/s/ Charlie Harper
Boys' Golf (Head Coach)	Charlie Harper	/s/ Charlie Harper
Girls' Golf (Head Coach)	Vicki Capehart	/s/ Vicki Capehart
Boys' Tennis (Head Coach)	Vicki Capehart	/s/ Vicki Capehart
Girls' Tennis (Head Coach)	David Speakman	/s/ David Speakman
Wrestling (Head Coach)	Jill Holmes	/s/ Jill Holmes
Boys' Soccer (Head Coach)	Ray Dalton	/s/ Ray Dalton
Girls' Soccer (Head Coach)	Charlie West	/s/ Charlie West
Softball (Head Coach)	Charlie West	/s/ Charlie West
Girls' Volleyball (Head Coach)	Wendell Harris	/s/ Wendell Harris
Assistant Coaches	Randall Wilcher	/s/ Randall Wilcher
	Bill Evans	/s/ William Evans
	/s/ Ron Harris	/s/ Brad Perry
	Randy Locke	/s/ Randy Locke
	/s/ John Patton	/s/ John Patton
	(Signature illegible)	(Signature illegible)
	(Signature illegible)	

[Original stamped received Sept. 5, 1997.]

LYNN BROWN,

having been first duly sworn, was examined and deposed as follows:

* * * * .

Q. During your years on the Board of Control -- well, first of all, when you attend Board of Control meetings, do you do that on school time?

A. Yes, sir.

[p. 44:16-19]

0520-1-2-.08 Interscholastic Athletics.

(6) The State Board of Education recognizes and designates the Tennessee Secondary School Athletic Association as the organization to supervise and regulate the athletic activities in which the public junior and senior high schools of Tennessee participate on an interscholastic basis. Junior high schools must include grade nine in order to qualify for membership. The authority granted herein shall remain in effect until revoked.

(7) The State Board of Education shall annually approve the current rules and regulations as stated in the Official Handbook of the Tennessee Secondary School athletic Association.

Statutory Authority T.C.A. 49-1-302. Filed March 16, 1992; effective June 29, 1992.